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STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 100

CAMPAIGN FINANCING

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AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796,

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effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006; amended at 31 Ill. Reg. 7142, effective May 1, 2007; emergency amendment at 33 Ill. Reg. 332, effective January 1, 2009, for a maximum of 150 days; emergency expired May 30, 2009; emergency amendment at 33 Ill. Reg. 9809, effective June 29, 2009, for a maximum of 150 days; emergency expired November 25, 2009; amended at 34 Ill. Reg. 274, effective December 15, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 100.10 Definitions

a) Contributions and Anything of Value

- 1) Reference: This Part interprets or applies Sections 9-1.4, 9-1.5, 9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15 and ~~9-1.12~~ of the Election Code [10 ILCS 5/9-1.4, 9-1.5, 9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15].
- 2) The term "anything of value", as used in Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code, ~~includes all~~ means any item, thing, service, service or goods good, regardless of whether ~~they~~ it may be valued in monetary terms according to ascertainable market value.
- 3) "Anything of value" which does not have an ascertainable market value may be reported by describing the item, thing, ~~services~~ service or ~~goods~~ good contributed, however nothing in this subsection (a)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.
- 4) Contributions or loans from a public official or a candidate, or a public official's or candidate's immediate family, to the public official or candidate's political committee shall not be subject to the contribution limits found in section 9-8.5.
- 54) Interest, other investment income, earnings or proceeds and refunds and returns shall not be reported as a contribution, but shall be reported as a receipt according to this paragraph. For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross

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purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held they shall be identified by name and quantity of security or instrument on each ~~semi-annual~~ quarterly report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.

65) In addition to the items expressly excluded in the Election Code, the ~~term~~ terms "anything of value" and "contributions" shall not be deemed to include:

A) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;

B) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other periodical publication;

C) Any ~~regular~~ publication by a membership ~~organization, association~~ labor union or corporation to its officers, employees, members, ~~or~~ stockholders, or members of their immediate family, so long as the membership ~~organization~~ association or corporation is not organized primarily for the purpose of influencing the nomination for election, ~~or~~ election, or retention of any candidate, or supporting or opposing any question or questions of public policy. ~~However, publications of an extraordinary or special nature to support or oppose a candidate or candidates or a question or questions of public policy would constitute a campaign contribution or expenditure;~~

D) The occasional use of real property of a person or whoever as defined in Section 9-1.6 of the Election Code and as defined in Section 100.10(b) of this Part, for the purpose of conveying information to officers, employees, members or stockholders and their families immediate family of a person or whoever as defined in Section 9-1.6 of the Election Code and as defined in Section 100.10(b) of this Part, including but not limited to the use of the premises for the purpose of a candidate communicating directly

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with officers, employees, members or stockholders and their
~~families~~ immediate family;

E) Unrealized appreciation or loss of value of investments during the
period they are held.

7) A loan of money from a bank, credit union, or other financial institution to a candidate or public official, or their political committee, shall not be listed as a contribution from that institution. However, such loan must still be reported on political committees' quarterly reports. Security for a loan, if provided by a person other than the candidate or the candidate's political committee, does qualify as a contribution and shall be reported as having come from the person so providing it.

8) Independent Expenditures are not contributions, as that term is defined in Section 5/9-1.4. Independent expenditures are those made for the purpose of electioneering communication as that term is defined in Section 5/9-1.14, or that expressly advocates the election, nomination or defeat of a candidate and that is not made in cooperation, concert, or consultation or at the request or suggestion of the public official or candidate. Communications that expressly advocate the election, nomination or defeat of a candidate are those that unequivocally state in the communication that such candidate ought to be so elected, nominated or defeated. Such communications typically contain the terms "vote for" "elect", or in the case of expressly advocating the defeat of a candidate, such terms as "vote against", "vote no", "defeat", etc.

9) "Clearly identifiable candidate" means the candidate's name (first name and surname) but does not necessarily have to include the candidate's middle name or middle initial. A clearly identifiable candidate can also be one that is described in such a way as to exclude any other candidate so as to leave no doubt in the mind of the person being communicated to as to whom the communication is referring. For example: "The Democratic Party's candidate for Mayor" or the former Republican candidate for Congressman who was defeated at the most recent General Election". A clearly identifiable candidate can also be described by use of a photograph or other visual image or likeness.

10) A communication by a corporation or an association to its members or stockholders and executive or administrative personnel or their immediate

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family is not a contribution. For purposes of this part, a corporation is one that is registered with the Business Services Division of the Illinois Secretary of State or is similarly registered with any other state in compliance with that state's laws. A corporation is also one that operates as or holds itself out as a corporation such that it would be required to register with the Illinois Secretary of State, regardless if it has taken affirmative action to so register. An association is defined broadly to include any group of persons or entities that have a common purpose and that have an organizational structure with an existing membership roster and governing by-laws or other similar rules. An association includes those that are both for-profit and not-for-profit however they do not necessarily have to be organized under the laws of this or any other state. An association includes a labor union as that term is defined in subsection 100.10(j) of this Section.

- 11) A voter registration campaign or other Get Out The Vote (GOTV) activity is not deemed to be "anything of value" or a "contribution", so long as such campaign or activity makes no mention of any clearly identified candidate, public question, political party, group, or combination thereof.

b) Assets

- 1) Reference: This definition of asset interprets or applies to Section 9-5 of the Election Code.
- 2) An asset is an item of property, other than cash or services, of whatever kind, tangible or intangible, that has either a fair market or salvage value in excess of \$150.

c) Candidate

- 1) Reference: This subsection (c) interprets or applies Section 9-1.3 of the Election Code.
- 2) "Candidate" as that term is defined in Section 9-1.3 of the Election Code [10 ILCS 5/9-1.3] shall include, but not be limited to:
 - A) A person who circulates or authorizes the circulation of nominating petitions on his behalf for public office;

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B) An individual who receives contributions or makes expenditures or gives consent for any other person to receive or make expenditures with a view to bringing about his nomination for election or re-election to any office;

C) Any judicial incumbent who qualifies for retention.

d) Filing

1) To constitute a "filing" as used in the Election Code and this Part, the statement, report or document must be in apparent and substantial conformity with the requirements of the Election Code. "Apparent and substantial conformity" requires that the filing contain the following:

A)The signature of the person making the filing;

B)Completion of all applicable sections of the report; and

C)Attachment of all appropriate schedules.

2) Inadvertent error or omission of a de minimus nature in the completion of report, statement or document shall not be deemed to a "willful failure to file or a willful filing of false or incomplete information" pursuant to Section 9-26 of the Election Code.

e) Submitting

The term 'submitting', as used in Section 9-11 of the Election Code means a person actually filing the report with the Board, including, but not limited to the following:

1) the person uploading a report electronically, or if accomplished at a Board office or with the assistance of Board staff, the committee representative present and/or authorizing the report filing,

2) the person mailing a report to the Board,

3) the person hand delivering a report to the Board, or

4) the person faxing a Schedule A-1 to the Board

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If the person submitting the report on behalf of the committee is either the chairman or the treasurer of the committee, the chairman or treasurer need not list themselves as having submitted the Report.

fe) Statement of Organization

- 1) Reference: This provision interprets Sections 9-3 ~~and 9-7.5~~ of the Election Code [10 ILCS 5/9-3 ~~and 9-7.5~~].
- 2) A committee officer must, in filling out the Form D-1, use the name that appears on his or her birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.
- 3) The prohibition contained in section 9-3(d)(iii) of the Code against making contributions from a ballot initiative committee to a candidate or candidates for nomination for election, election, or retention to public office, shall not include refunds of contributions to such candidates so long as the refund does not exceed the amount which such candidates originally contributed.
- 4) For the purpose of this subsection (f), the term "person" contained in the definition of "sponsoring entity", shall not include a political committee.

gf) Person or Whoever

- 1) Reference: This subsection (g)~~(f)~~ interprets or applies Section 9-1.6 of the Election Code.
- 2) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code shall include, but not be limited to, -all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, ~~unless any of these groups, other than labor unions, are nonprofit organizations as defined in subsection (i) and Section 100.130.~~

hg) Political Committee

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- 1) Reference: This subsection ~~(h)(e)~~ interprets or applies Section 9-1.8 and 9-1.9 of the Election Code.
- 2) A person or whoever, as defined in Section 9-1.6 of the Election Code [10 ILCS 5/9-1.6] and as defined in subsection (b) does not qualify as a political committee pursuant to Article 9 of the Election Code by simply making a contribution from his or her personal income or profits regardless of the amount of the donations. Any entity other than a natural person who makes an expenditure or expenditures in aggregate within a 12 month period that is in excess of \$3,000 supporting or opposing a public official or candidate does become a political committee.
- 3) If a person or whoever solicits or receives funds for political purposes ~~or acts as a conduit for political funds~~, he or she would, in fact, become a political committee and have to comply with all provisions of Article 9 of the Election Code. The provisions of this subsection (h) shall not apply to those persons (bundlers) who accept contributions from at least five individuals as provided in Section 9-6 of the Code.
- 4) Political Committees shall include candidate committees, political party committees, political action committees and ballot initiative committees as those terms are defined in Section 5/9-1.8. Candidates who form a new political party under Section 5/10-2 of the Code are considered political party committees, and groups of candidates who run as either independents under Section 5/10-3 of the Code, or who run as non-partisan candidates by virtue of the office being non-partisan pursuant to statute, shall be considered candidate committees. In all cases except political party committees, political committees are limited to those that accept contributions or make expenditures in an aggregate amount exceeding \$3,000 on behalf of or in opposition to candidates, or in the case of a ballot initiative committee, in support of or opposition to questions of public policy.
- i) For purposes of Section 5/9-1.8 of the Code, caucuses established by either 5 or more members of the same caucus in the Senate, or 10 or more members of the same caucus in the House of Representatives, shall include any caucus declared by its membership to be a caucus. By way of example, such caucuses would include the Black House or Senate Caucus, the Latino

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House or Senate Caucus, etc.

ii) For purposes of Section 5/9-1.9 of the Code, judicial candidates running for retention subsequent to their first retention candidacy following their election shall be subject to the election cycle established in Section 9-1.9 (3); except that the period shall begin on January 1st following their retention (as opposed to their election) and extending to the day the candidate files their next declaration to seek retention and the period beginning after such day and extending to December 31st, following their retention election. This judicial retention election cycle is subject to the fundraising restrictions contained in Canon 7 of Rule 67 of the Rules of the Illinois Supreme Court; (Committees established to support judicial candidates may not solicit contributions more than 1 year preceding the election in which the candidate is seeking judicial office or retention thereto, and no later than 90 days following such election.).

5) If an entity forming a political action committee under Section 9-2(d) is not a clearly identifiable trust, partnership, committee, association, corporation, or other organization, but rather a group of persons lacking any formal, organizational structure, the name of the political committee shall include the name (first and last) of the person or persons responsible for its formation.

6) The name of a ballot initiative committee must include a brief description of the question and whether the committee is organized to support or oppose such question. Such name shall not exceed 70 characters (based on U.S. Post Office restrictions applicable to mailing labels) and shall include keywords that would provide a reasonable person with a general understanding of the subject matter of such question and whether or not this committee was formed to support or oppose it.

ih) Signature

1) Reference: This subsection (h) interprets or applies to ~~Section~~Sections 9-4; 9-7.5, 9-12 and 9-14 of the Election Code.

2) The term "signature" or "signed" as used in Article 9 of the Election Code, and as used in the rules and regulations implementing the Election Code,

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includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.

- ij) "Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- kj) "Nonprofit Organization" means any organization that is organized on a nonprofit or not-for-profit basis that is on file or should be on file with the Business Service Division of the Illinois Secretary of State as required by the General Not-For-Profit Corporation Act of 1980 [805 ILCS 105], a not-for-profit corporation as defined under section 501 of the Internal Revenue Code (26 USC 501), organization as defined in section 527 of the Internal Revenue Code (26 USC 527), or organization registered with the Charitable Trust Bureau of the Attorney General's Office (see 760 ILCS 55). Nonprofit organization also applies to any organization that operates as or holds itself out as a nonprofit organization such that it would be required to register with the appropriate regulating authority, regardless if it has taken affirmative action to obtain proper recognition. Nonprofit organization also applies to any out-of-state organization meeting its state's requirements.
- lk) Whereas the term "Public Office" is defined among other things as elective offices, it shall include the political party offices of ward, township and precinct committeeman, as such offices are elected offices.~~"Original Source of Money" means a contributor who makes a contribution directly to the nonprofit organization as defined in Section 9-1.4 of the Election Code.~~
- m) Immediate Family
The term "immediate family" shall include the spouse, parent or child of the public official, candidate or any other person referred to in this Part. A child shall mean a biological, adopted, or step-child.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.20 Official Forms

- a) Reference: This Section interprets or applies Sections 9-7.5, 9-10(a) and 9-15(1)

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of the Election Code.

- b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports, except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.30 Forwarding of Documents (Repealed)

(Source: Repealed at 16 Ill. Reg. 6982, effective April 21, 1992)

Section 100.40 Vacancies in Office - Custody of Records

Reference: This Section interprets or applies Sections 9-2, 9-5, 9-7, ~~9-7.5~~, 9-10, 9-13 and 9-15 of the Election Code.

- a) Death

Upon the death of the treasurer of a committee, the candidate or, if such candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and so amend the Statement of Organization (Form D-1) within 10 days after the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.

- b) Removal from Office

In the case of a single candidate related committee whose officers were originally named by the candidate, the candidate shall have the right to remove any and all officers of his committee, provided such removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for his candidate related committee. If a candidate removes from office any or all officers of his committee, all records related to the committee shall be maintained

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by the candidate. If former officers request, he shall allow them access to records and provide reasonable opportunity to make copies.

c) Resignation

If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.

d) Inability to Sign

All reports shall be verified, dated and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a letter within 30 days of the filing indicating that such substituted signature is authorized and the treasurer accepts responsibility as if he had signed. The substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a non-filing.

e) All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer, or candidate shall have any proprietary or possessory interest in such documents in derogation of the rights of the committee itself.

f) If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within 10 days following such change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.

g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a

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turnover order.

- h) A committee which fails to preserve its records and accounts required by Section 9-7 of the Election Code, or by this Part, for the periods required by statute or rule may be required to reconstruct its records and accounts if doing so is necessary to the audit of its records. If a committee is required to reconstruct its records it must pay all of the costs and charges, including bank or accountants fees, for the reconstruction of the records.

(Source: Amended at 24 Ill. Reg. 14214, effective September 11, 2000)

Section 100.50 Multiple Filings by State and Local Committees (Repealed)

- a) ~~Reference: This Section interprets or applies Sections 9-3 and 9-10 of the Election Code.~~
- b) ~~A political committee that acts as both a State political committee and local political committee shall file each original Statement of Organization, Form D-1, as required by Sections 9-3 and 9-4 of the Election Code, and any other appropriate reports with the State Board of Elections, and shall file a copy of each and any other appropriate reports with the county clerk, except that political committees that file their reports electronically need not file copies of their D-2 reports, as required by Sections 9-11, 9-12, 9-13 and 9-14 of the Election Code, with the county clerk if the county clerk is participating in the electronic filing waiver program. A county clerk is eligible to participate in this program if he or she has a system that can access electronically and duplicate the reports that are on file with the State Board of Elections. Political committees, however, must continue to file copies of their D-1 Statement of Organization forms and any written correspondence with the county clerk.~~
- e) ~~When determining their filing obligations, it is the responsibility of political committees to verify whether the county clerk is participating in the electronic filing waiver program.~~
- d) ~~Any State committee that elects to support or oppose any local candidate or a question of public policy and exceeds an aggregate amount of \$3000 for local candidates or a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is now a State and local committee and shall comply with all local filing requirements. In the event the State and local committee ceases to support local candidates, it shall file an amended D-1~~

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~~indicating that it is now a State political committee and shall submit a letter informing the county clerk that it will no longer be active in that county.~~

- e) ~~Any local committee that elects to support or oppose any State candidate or a question of public policy and exceeds an aggregate amount of \$3000 for State candidates or \$3000 for a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is now a State and local committee and shall comply with all State filing requirements. In the event the State and local committee ceases to support State candidates, it shall file an amended D-1 indicating that it is now a local political committee and shall submit a letter to the State Board of Elections informing the Board that it will no longer be active statewide.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

Section 100.60 Filing Option for a Federal Political Committee

- a) Reference: This Section interprets or applies Section 9-15 of the Election Code.
- b) Any "person" or "whoever" as defined by Section 9-1.6 of the Election Code, qualifying as a political committee under Article 9 of the Election Code, and filing Federal Election Commission reports may choose to comply with the provisions of Article 9 of the Election Code by so indicating on a Statement of Organization (Form D-1) filed with the State Board of Elections, ~~county clerk, or both, as the case may be.~~
- c) A political committee may choose to file reports pursuant to this Section, either by amendment or for the first time, by stating on Part 5 of the Statement of Organization (Form D-1) the following: "Campaign financing reports will be filed pursuant to Section 100.60, Campaign Financing Regulations, State Board of Elections".
- d) Pursuant to the state filing waiver program (2 USC 439), a federal political committee also qualifying as a political ~~State~~ committee under Article 9 of the Election Code shall not file a copy of all Federal Election Commission reports with the State Board of Elections.
- e) ~~A federal political committee also qualifying as a local political committee under Article 9 of the Election Code shall simultaneously file a copy of all Federal Election Commission reports with the local county clerk.~~

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- e) This Section shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by Article 9 or in support of or in opposition to a question of public policy.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.70 Reports of Contributions and Expenditures

- a) Reference: This Section interprets or applies Sections 9-6, 9-10, ~~9-13~~, and 9-11 ~~9-14~~ of the Election Code.
- b) For purposes of determining the amount of contributions of \$1000 or more required to be filed on a Schedule A-1 form in excess of \$500 under Section 9-10(~~b-5~~) of the Election Code, all contributions received between the last date of the period covered by the last quarterly report ~~filed prior to the election and the election~~ from a single person, as that term as defined in Section 9-1.6, shall be aggregated and treated as one. In order to determine whether such report shall be filed within 2 business days rather than 5 business days of receipt, any contribution of \$1000 or more in aggregate that is received within the 30 days prior to an election shall be reported within 2 business days.
- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.
- d) Quarterly~~Pre-Election~~ and A-1 Reports
- 1) Every active political committee must file quarterly a pre-election report and A-1 reports, as required by ~~Sections~~ Section 9-10(b) and 9-10(b)(5) of the Election Code, ~~in conjunction with every next election unless:~~

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2) Every active political committee must file schedule A-1 reports, as required by Section 9-10(c) within 5 business days of receiving a contribution or contributions in aggregate of \$1000 or more from a single source following the last date of the most recent quarterly reporting period.

3) Contributions of \$1000 or more in aggregate from a single source received within 30 days prior to an election must be filed on schedule A-1 report within 2 business days unless:

A) the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and

B) the political committee does not make expenditures in excess of \$500, including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election.

~~2) An active political committee that meets the requirements of subsections (d)(1)(A) and (B) shall be deemed a nonparticipating political committee and may file, in lieu of a pre-election report, a Statement of Non-Participation for the next election (see Section 9-10 of the Election Code).~~

e) A committee that, having determined that it will not participate in an election, ~~subsequently filed a Statement of Non-Participation,~~ makes an expenditure in excess of \$500 or expends or has expended an aggregate amount in excess of \$500 on behalf of or in opposition to a candidate or on behalf of a question of public policy that will appear on the ballot at the next election shall file a pre-election report within five days after making the expenditure, or if the expenditure that triggers the requirement to file a pre-election report is made during the five days immediately prior to the election, within 24 hours after making the expenditure. In addition to filing a pre-election report, the committee shall timely file a Schedule A-1 for each contribution exceeding \$500, beginning with the date of that expenditure, report contributions of \$1000 or more in aggregate received from a single source within 5 business days of receipt or if received within 30 days prior to the election, within 2 business days of receipt. ~~the expenditure that triggered the obligation to file a pre-election report was made.~~

f) The authorization of persons to collect contributions on behalf of a political committee contained in Section 9-6(a) shall be in writing; shall state that the person is empowered to accept contributions on behalf of the committee; and shall

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include the signature of the officer or candidate granting such authorization. Such authorization shall be provided to the person prior to their acceptance of any contributions on behalf of the committee.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.75 Limitation on Campaign Contributions

A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation for the specified primary election with the Board. Such Statements shall be filed with the Board prior to the date candidates may begin circulating nominating petitions for that primary election. The Statement of Nonparticipation shall include a verification signed by the chairperson and the treasurer of the committee and shall state that:

- a) The committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the specified general primary election or consolidated primary election;
- b) The political party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee does not make contributions to a candidate or candidates to be nominated at the primary election, and
- c) Failure to abide by these requirements shall deem the political party committee in violation of this Article and subject to a fine of no more than 150% of the total contributions or coordinated expenditures made by the committee in violation of this Article.
- d) When considering the amount of the civil penalty to be imposed, the Board shall consider all relevant factors, including, but not limited to:
 - 1) Whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally; and
 - 2) Past violations of Article 9 of the Election Code by the committee.
- e) Any contribution or transfer received in violation of 9-8.5(j) shall be disposed of within 15 days by:

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- 680 1) Returning the contribution or transfer, or an amount equal to the
681 contribution or transfer, to the contributor or transferor, or
682
683 2) Donating the contribution or transfer, or an amount equal to the
684 contribution or transfer, to a bona-fide charity.
685
686 f) If a political committee fails to dispose of the contribution or transfer as provided
687 above;
688
689 1) The contribution or transfer shall escheat to the General Revenue Fund;
690 and
691
692 2) The political committee shall be deemed to be in violation of this Section
693 and be subject to a civil penalty not to exceed 150% of the total amount of
694 the contribution;
695
696 g) When considering the amount of the civil penalty to be imposed, the Board shall
697 consider all relevant factors, including, but not limited to, the following:
698
699 1) Whether in the Board's opinion the violation was committed
700 inadvertently, negligently, knowingly, or intentionally;
701
702 2) Whether any attempt was made by the committee to return the
703 contribution or transfer; and
704
705 3) Past violations of this or any other section of Article 9 of the Election
706 Code.
707
708 h) When a contribution is received by a political committee in violation of Section 9-
709 8.5(j), the Board will send notice of violation to the chairman and the treasurer of
710 each political committee, together with an Order assessing a civil penalty
711 calculated in accord with this subsection. The notice of violation and Order shall
712 also be sent to any candidate listed by name on that committee's Statement of
713 Organization. The notice of violation shall state that the Board has issued a civil
714 penalty that will be final unless the committee shows cause as to why the penalty
715 should not be assessed. The provisions of 26 Ill. Adm. Code 125.425 relating to
716 procedures to appeal civil penalty assessments shall apply to penalties assessed
717 under this Section.
718

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i) For purposes of adjusting the amounts of contribution limitations under Section 9-8.5(g) of the Election Code, the Board shall base the adjustments on the Consumer Price Index for All Urban Consumers – US City Average (Not Seasonally Adjusted), as provided by the United States Department of Labor. Adjustments shall be calculated:

1) On January 1 or the first business day following January 1 of each odd-numbered year, whichever comes first;

2) As a percent change, rounded to the nearest tenth, in the index point level of the 24 month period immediately preceding the most current month for which data is available. The change shall then be applied to the existing contribution limits as of December 31st of the year immediately preceding the adjustment, and rounded to the nearest \$100.00.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 100.80 Report Forms

a) Reference: This Section interprets or applies Sections 9-10 and 9-119-13, 9-14 and ~~9-16~~ of the Election Code.

b) All reports submitted by political committees pursuant to the Act shall either be typed or printed legibly in black ink.

c) Computer sheets filed in lieu of forms or schedules shall not exceed 8 1/2" x 14". They shall be rejected if not camera ready.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.90 Provision Circumvention

a) Reference: This Section interprets or applies Section 9-26 of the Election Code.

b) The State Board of Elections will view any attempt to circumvent the clear intentions of the Act by means of subterfuge as violations of the Act.

c) An example~~Examples~~ of such circumvention would be if: ~~1)A person or whoever organizes ten separate committees and then directs the treasurers of those committees not to accept or expend more than \$3000;~~ 2)~~A candidate sets up~~

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~~multiple committees for the primary purpose of avoiding the itemization requirements of the Act; 3a~~ A person or whoever organizes a committee to elect Joe Doe for State Senator. He then terminates the committee and organizes a new committee called the All Illinois Committee to Elect Joe Doe for State Senator and has as his primary purpose the intent to raise campaign funds in this manner to avoid disclosure of contributors.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.100 Proof of Identification; Application for Inspection and Copying (Repealed)

(Source: Repealed at 24 Ill. Reg. 14214, effective September 11, 2000)

Section 100.110 Loans by One Political Committee to Another

- a) If a political committee lends or donates funds to a second political committee while the lending or donating committees owes the State Board of Elections a civil penalty assessed under the provisions of Section 9-7.5, 9-10, 9-23, or 9-26 of the Election Code [10 ILCS ~~5/9-7.5, 5/~~9-10, 9-23, 9-26], the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.
- b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section ~~9-7.5, 9-10, 9-23, or 9-26~~ of the Election Code [10 ILCS ~~5/9-7.5, 5/~~9-10, 9-23, 9-26], any political committee formed within 24 months from the date of the final order imposing a civil penalty assessment on the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.
- c) A political committee that seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.
- d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated under

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the Election Code, or if a civil penalty has been assessed by Board staff and such a proceeding is begun or about to begin, the political committee must first pay the civil penalty, or if it lacks sufficient funds to pay the civil penalty in full, pay to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon payment of the civil penalty, either in full or in part, as the case may be, shall the committee be permitted to exit the reporting system established by Article 9 of the Illinois Election Code [10 ILCS 5/Art. 9].

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.120 Receipt of Campaign Contributions

- a) Every person or political committee which ~~makes any expenditure in excess of \$50 on behalf of a candidate or political committee, or~~ contributes goods or services ~~in excess of \$50 directly to a committee or indirectly to another on behalf of a committee,~~ shall ~~certify~~ provide to the treasurer of the political committee within five business days after making the contribution, a detailed account thereof. The certificate shall include, including the name and address of the person or political committee making the expenditure contribution; the name and address of the entity to whom the expenditure was made; the amount of ascertainable market value of the expenditure; a description of and the market value of the goods or services; and the date on which the expenditure contribution was made. The ascertainable market value of goods and services assigned by the ~~donor~~ contributor ~~in the certificate, or if there is no certificate the contributor fails to provide the information to the recipient committee, by the recipient such~~ committee, shall be prima facie correct unless rebutted by clear and convincing evidence.
- b) An entity defined by Section 9-1.6 of the Election Code or a political committee as defined by Sections ~~9-1.7, 9-1.8 or 9-1.9~~ of the Election Code shall acknowledge, to the donor, receipt of any such notice it receives conforming to the requirements of subsection (a) of this Section. No committee shall retain an in-kind contribution it has knowingly received unless it also receives the ~~certificate~~ information from the contributor required by subsection (a) of this Section unless return of the contribution is impossible. If the ~~donor contributor of the expenditure~~ does not comply with subsection (a) of this Section and if the in-kind contribution cannot be returned, the beneficiary political committee shall nonetheless have the responsibility to report such in-kind contributions or expenditures from the ~~donor contributor~~ if it actually knows or reasonably should have known from the facts available to it that an in-kind contribution had been

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made in its behalf.

- c) A ~~monetary~~ cash contribution to a political committee is deemed to have been received on the date the contribution was deposited in a bank, financial institution, or other repository of funds for the committee actually received by the candidate, Chairman or Treasurer of the committee or the public official. A cash contribution that is not deposited into a bank, financial institution, or other repository of funds is deemed to be received on the date that the cash is given to any authorized member or official of the committee. A contribution in the form of a business check, personal check, money order, or cashier's check that is not deposited into a bank, financial institution, or other repository of funds is deemed to be received on the date the check is cashed and the cash becomes available to the committee. A contribution by credit card or other entity used for processing a monetary contribution that was deposited in a bank, financial institution, or other repository of funds for the committee is deemed to be received on the date the committee received notice of such deposit. A contribution of goods or services, (in-kind contributions) possession of which is not actually obtained by the recipient committee, is deemed received on the date the public official, candidate, or political committee received the notification of contribution of goods or services as required under subsection (b) of Section 9-6 of the code and subsection (a) of this Section. If no notification has been received, such in-kind contribution is deemed received on the date information comes into the possession of the candidate, Chairman or Treasurer of the recipient committee or the public official from which the person receiving the information knows or should reasonably know of the in-kind contribution. A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed. ~~An in-kind contribution of goods or services, possession of which is not actually obtained by the recipient committee, shall be deemed to be received 2 days after the date the certificate required by subsection (a) of this Section is received, or if no certificate has been received, 2 days after the date information comes into the possession of the candidate, Chairman or Treasurer of the recipient committee or the public official from which the person receiving the information knows or should reasonably know of the in-kind contribution.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.125 Receipt by Mail of Quarterly ~~Pre-Election and Semiannual~~ Reports of Campaign Contributions and Expenditures

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- 879
880 a) ~~Pre-election and semiannual~~ Quarterly reports of campaign contributions and
881 expenditures must be received by the Board within the filing periods set forth in
882 Section 9-10 of the Election Code. Subject to subsections (b) and (c) of this
883 Section, if the reports are filed by mail and received by the Board after the filing
884 deadline, they shall be considered delinquent and subject to penalties as provided
885 in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. However,
886 pursuant to Section 9-10(b) ~~and (c)~~ of the Election Code, if the envelope
887 containing the reports contains a postmark showing that the envelope was mailed
888 at least 72 hours prior to the due date, the reports shall be considered timely filed,
889 regardless of when received in the office of the State Board of Elections.
890
891 b) If the envelope containing ~~either of the Report~~ Reports named in subsection (a) of
892 this Section is not received by the Board, the envelope is received but does not
893 have a postmark printed by the United States Postal Service, or if the postmark is
894 illegible, the report will either be deemed to have not been received or deemed to
895 have been received on the date the envelope officially arrives in the office of the
896 State Board of Elections. However, if the political committee is assessed a civil
897 penalty for failing to file or delinquent filing either of the reports and, as part of
898 the committee's appeal of the civil penalty assessment, it is alleged by the
899 treasurer, chairman or candidate on a signed and notarized affidavit verifying that
900 the report was mailed more than 72 hours prior to the filing deadline, and this is
901 the first time the committee has made this claim as part of its appeal, the
902 presumptive date of receipt will be rebutted by the testimony contained in the
903 affidavit and the report will be deemed to have been timely received.
904
905 c) When the committee raises the defense described in subsection (b) as part of its
906 appeal for any subsequent civil penalty assessments, the appeal affidavit shall be
907 accompanied by a certificate issued by the United States Postal Service showing
908 the date on which the envelope was deposited with the United States Postal
909 Service. The Board shall not consider this defense as valid in the absence of the
910 certificate.
911
912 d) When a political committee raises the defense described in subsection (b) at any
913 time after an appeal has been granted pursuant to subsection (b), that defense shall
914 be denied without consideration by the Board unless a certificate, issued by the
915 United States Postal Service, verifying the date upon which the transmitting
916 envelope was deposited with the United States Postal Service, is attached to the
917 appeal affidavit. If the certificate is attached to the appeal affidavit, the Board
918 shall hear and determine the appeal as it deems appropriate.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.130 Reporting by Certain Nonprofit Organizations (Repealed)

a) ~~A nonprofit organization is required to submit financial reports to the State Board of Elections if it:~~

~~1) is not a labor union;~~

~~2) has not established a political committee; and~~

~~3) accepts or spends more than \$5000 in any 12 month period in the aggregate:~~

~~A) supporting or opposing candidates for public office or questions of public policy that are to appear on a ballot at an election; and/or~~

~~B) for electioneering communications.~~

b) ~~Except as provided in subsection (d), each nonprofit organization required to register under Section 9-7.5 of the Election Code [10 ILCS 5/9-7.5] shall file pre-election reports of contributions and semi-annual reports of contributions and expenditures at the same times, covering the same reporting periods and containing the same information regarding contributors and recipients of expenditures as required of political committees pursuant to Section 9-10 of the Code. Nonprofit organizations shall be subject to the same civil penalties as political committees for the delinquent filing or non-filing of the reports as set forth in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. Each nonprofit organization:~~

~~1) must file all required reports with the State Board of Elections;~~

~~2) is not required to report donations of more than \$500 on a Schedule A-1 within the 30 day period prior to an election; and~~

~~3) shall designate a chairman and treasurer who shall constitute the principal officers as required in Section 9-7.5(a)(3) of the Election Code.~~

e) ~~Nonprofit organizations may cease filing disclosure reports with the Board if~~

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they:

- 1) ~~have filed two consecutive semi-annual reports in which they have not made any contributions or expenditures that supported or opposed any candidate or referenda, or made any electioneering communications;~~
- 2) ~~have determined they will no longer make any contributions or expenditures to support or oppose any candidate or referenda, or for electioneering communications; and~~
- 3) ~~have submitted a letter informing the State Board of Elections that they will no longer function as a nonprofit political organization as defined in Section 9-7.5 of the Election Code.~~

d) ~~To comply with the specific reporting provisions of Section 9-7.5(b) of the Election Code, nonprofit organizations may establish a separate nonprofit political committee whose exclusive function is to receive or make contributions and/or make expenditures to support or oppose candidates or questions of public policy. To facilitate this option, nonprofit organizations shall create a separate segregated fund in which contributions shall be deposited or made as defined in Section 9-1.4 of the Election Code and from which expenditures shall be dispersed as defined in Section 9-1.5 of the Election Code. If a nonprofit organization chooses this option, the disclosure of any deposits of money into the segregated fund shall report the original source of the money and not the name of the nonprofit organization.~~

e) ~~Reports containing the information required by statute shall be submitted on forms designed and supplied by the State Board of Elections or upon computer-generated forms conforming to those designed by the State Board of Elections.~~
~~Pursuant to Section 9-28 of the Election Code, each nonprofit organization that exceeds the threshold of \$10,000 must continue to report electronically until it dissolves.~~

(Source: Repealed at 34 Ill. Reg. _____, effective _____)

Section 100.140 Prohibited Contributions – State Property

- a) Upon receipt of a notice of violation of Section 5-35 of the State Officials and Employees Ethics Act [5 ILCS 430/5-35], the State Board of Elections may assess a penalty not to exceed 100% of the value of the contribution giving rise to the

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violation. In determining whether to assess a penalty and the amount of a penalty, the Board shall consider any mitigating or aggravating factors contained in the notice, including but not limited to the number of past violations of the Act, the amount of the contribution and whether, in the Board's view, the violation was unintentional or willful.

- b) Persons against whom a penalty has been assessed by the Board may appeal the penalty. The provisions of 26 Ill. Adm. Code 125.425 governing the appeal procedures for violations of Article 9 of the Election Code [10 ILCS 5/9] shall apply to appeals of penalties assessed under this Section.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.150 Electronic Filing of Reports

- a) The State Board of Elections will make software available to committees required to report electronically under 10 ILCS 5/9-28.
- b) Once a committee exceeds the threshold that requires it to report electronically, it must continue thereafter to report electronically until it dissolves, whether or not its accumulation, receipts or expenditures fall beneath the levels set by statute for mandatory electronic filing.
- c) Once a committee is required to file its reports electronically under Section 9-28 of the Election Code, it must continue to file all reports ~~(semiannual, amended semiannual, pre-election, amended pre-election, final, amended final, Schedule A-4)~~ electronically, except as follows:
- 1) A paper report shall be considered a timely filing if it is received by the Board on or before the filing deadline, provided that it covers the initial reporting period during which the mandatory electronic filing threshold is exceeded and that the report is filed electronically within 30 days after receipt of notice from the Board that this report was required to have been filed electronically. If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.
 - 2) A paper report shall be considered a non-filing if the committee has previously received the notification referred to in subsection (c)(1). If the

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report is not filed electronically by the filing deadline, it shall be considered as having never been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue until such time as it is filed electronically.

3) A paper report shall be considered a timely filing if at least one previous report was required to have been filed electronically and the committee had never been notified by the Board that it was required to electronically file its reports, provided that the report is filed electronically within 30 days after the notification referred to in subsection (c)(1). If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.

4) A paper report shall be considered a timely filing if it is received on or before the filing deadline and the committee has never exceeded the \$10,000 threshold requiring the electronic filing of its reports, regardless of whether the committee filed previous reports electronically.

5) If a committee is assessed a civil penalty for delinquently filing a report required to be filed electronically and, in the course of its appeal, raises the defense that computer related issues (including, but not limited to, software, firewalls, system failures) prohibited the timely filing of an electronic report, the Board may consider that defense when determining the final outcome of the appeal.

6) The electronic filing requirement established in this Section shall not apply to Reports of Independent Expenditures required to be filed by natural persons pursuant to Section 9-8.6, as such persons are not necessarily political committees.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.160 Good Faith

a) For purposes of this Section, "contributor" includes the terms "lender" and "endorser". A committee acts in good faith under 10 ILCS ~~5/9-7.5, 5/9-11, 9-12, 9-13, and 9-14~~ if:

1) its written solicitation for funds includes a clear written request for the

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name of the contributor's employer and the occupation of the contributor;

2) in the event it receives a contribution lacking the name of the contributor's employer and occupation of the contributor in circumstances in which the information is required, it makes at least one effort to obtain the missing information; and

3) in the event its request for information is unanswered, the committee includes in its report the best and most current information it may have from whatever source, including its own records and earlier reports, about the name of the contributor's employer and the occupation of the contributor.

b) The request shall appear in a clear and conspicuous manner on any response material contained in the solicitation.

c) An effort to obtain missing information must be in writing, or be made orally and documented by writing, and must be made on or before the close of the reporting period in which the contribution or loan was received. The request must clearly ask for the missing information and must contain no other language except thanks to the contributor or lender for the contribution or loan. If the request is in writing, it must be accompanied by a pre-addressed return postcard or envelope.

d) If the name of the employer of a contributor that is required to be reported under Article 9 of the Election Code is unknown at the time the contribution must be reported and a good faith effort has been made to secure that information, the contribution may be reported without the information. However, if the omitted information subsequently becomes known to the committee, the report that omits the information must be amended to add the information.

e) For the purpose of this Section, "employer" includes all natural and non-natural persons, including but not limited to corporations, partnerships and unincorporated associations.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.170 Sponsoring Entity

a) A sponsoring entity is a person that contributes not less than 33% of the total funding of any political committee at any time during a ~~semi-annual~~ quarterly

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reporting period following the 30th day after the committee has filed its statement of organization.

b) Person includes natural persons, corporations, partnerships, ~~political committees~~ and unincorporated associations.

c) Total funding means the sum of the funds available at the beginning of the reporting period and the total receipts for the ~~semi-annual~~ quarterly reporting period.

d) Total receipts means any contributions as defined in Section 9-1.4 of the Election Code that are received by the committee.

e) Each political committee shall ~~include in its name the name of any sponsoring entity~~ disclose the name and address of any sponsoring entity on the committee's Statement of Organization.

f) If, at any time during a ~~semi-annual~~ quarterly reporting period, a committee that has not previously identified a sponsoring entity receives 33% of its total funding during that ~~semi-annual~~ quarterly reporting period from a single person, the committee must amend its Statement of Organization to identify the sponsoring entity.

~~g) A political committee, the name of which includes the name of the candidate supported by the committee, the name of an established political party as that term is used in Article 7 of Election Code, or the name of a new political party as that term is used in Article 10 of the Election Code satisfies the requirements of this Section without the need for further statement of sponsoring entity in the name of the committee.~~

~~h) A political committee is not a sponsoring entity if it is organized by an established political party as that term is used in Section 10-2 of the Election Code, a partisan caucus of either house of the General Assembly, the Speaker or Minority Leader of the House of Representatives or the President or Minority Leader of the Senate in their official capacities (see Section 9-3 of the Election Code).~~

~~gi)~~ The name of the sponsoring entity shall be the full name of the person, and not an acronym.

~~hj)~~ A committee is required to identify its sponsoring entity so long as it receives not

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less than 33% of its total funding from a single person. A committee may amend its Statement of Organization to delete the ~~name of its~~ sponsoring entity from its ~~name~~ Statement of Organization if, for ~~two~~ four consecutive ~~semi-annual~~ quarterly reporting periods, it fails to receive not less than 33% of its total funding from a single person.

ik) If, at any time during a ~~quarterly~~semi-annual reporting period, a committee that has identified a sponsoring entity receives not less than 33% of its total funding from a different single person than the person identified as its sponsoring entity, it shall amend its Statement of Organization to include ~~in its name~~ the name and address of the new sponsoring entity.

jl) If a committee receives support from two or more persons, each one of which would independently of the other meet the definition of a sponsoring entity, the ~~name of the committee's~~ Statement of Organization shall include all such persons and their addresses.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.175 Audit Findings for Political Committees

a) The Board may order a political committee to conduct an audit of its financial records, based upon criteria outlined in section 9-13(b) of the Code . Such criteria is limited to a situation where:

- 1) there is a discrepancy between the committee's ending and beginning balances contained in two or more successive reports;
- 2) there is a failure to account for a previous investment or loan in a subsequent report or reports; and
- 3) there is a willful pattern of non-reconciliation between contributions received or expenditures made from or to another political committee, such that the reported amounts of the one committee do not correspond with the reported amounts of the other committee.

i) Prior to ordering an audit, the Board shall send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the D-1 Statement of Organization as being supported by this committee, a notice in the form of a pre-

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audit letter stating that the Board intends to order the committee to conduct an audit based upon reasons outlined in the letter.

ii) Prior to conducting an audit, the committee shall be afforded an opportunity for a closed preliminary hearing to give reason or reasons as to why the committee should not be ordered to conduct an audit, and the committee shall be given an opportunity to correct the deficiencies or omissions that gave rise to the issuance of the pre-audit letter. At the conclusion of the closed preliminary hearing, a recommendation shall be issued stating whether grounds exist to order the audit.

iii) If, after the closed preliminary hearing, the Board determines that there are insufficient grounds upon which to order an audit, no further action shall be taken.

iv) If, after the closed preliminary hearing, the Board determines that there are sufficient grounds upon which to order an audit, the committee shall be ordered to conduct an audit as provided in Section 9-13 of the Code.

v) The procedures contained in 26 Ill. Adm. Code 125, subparts A and B shall apply to the closed preliminary hearing referenced in this Subpart, to the extent that they are not inconsistent with the provisions of Section 9-13 of the Code.

b) In each calendar year, the Board shall randomly select no more than 3% of the registered political committees to conduct an audit. No later than December 31 of the year preceding the selection referred to in subsection (b)(1), the Board shall decide, based on Board staff recommendation, what percentage of political committees will be selected for audits in that following year. Such selection:

1) shall be made no later than the first business day in February, and

2) shall be made from all political committees on file with the Board whose status is active at the time of the random selection.

The method of selection shall be the same method that the Board uses to select the 5% of the total number of precincts in a given election authority jurisdiction for the purposes of conducting a post election retabulation as provided in Sections 24A-15, 24B-15 and 24C-

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15 of the Code. Once a committee has been selected to conduct an audit based on the random selection provided in subsection (b)(2), the Board shall send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the D-1 as being supported by this committee, a notice that such committee has been selected to conduct an audit. The provisions in subsection (a) relating to the closed preliminary hearing shall not apply to committees that have been randomly selected to conduct an audit, however, the committee may be excused from conducting such audit pursuant to subsections (g), (h) and (i).

c) A political committee that has been ordered to conduct an audit pursuant to subsections (a) or (b) shall hire an entity qualified to perform the audit. An entity qualified to perform such audit shall mean a certified public accountant (CPA):

1) with the proper training and experience to perform a financial analysis of campaign finance committees,

2) who has the ability to render an independent opinion as to the accuracy and verifiability of campaign finance reports, and

3) who is not a person that has contributed to the political committee during the four year period immediately preceding the order of the audit.

d) Any audit ordered by the Board shall include and cover all financial records required to be maintained by the committee as provided in Section 9-7 of the Code. The audit shall be conducted in such a way so as to ensure compliance with the contribution limitations set forth in Section 9-8.5 and the reporting requirements set forth in Sections 9-3 and 9-10 of the Code. Such records shall include any and all financial records in the possession of the committee or the financial institution in which the committee's funds are held, including, but not limited to:

1) Bank statements,

2) Deposit slips, and

3) Internal registers or ledgers.

e) The audit shall only cover the 2 year period immediately preceding the order of the audit or the period of time since the committee was last ordered to conduct an audit, whichever is shorter. However, if any portion of the time periods referred

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1279 to in the sentence immediately above covers a time in which the contribution
1280 limits provision of the Act was not in effect, such limits shall not be included in
1281 the scope of the audit.
1282

- 1283 f) If the Board determines that the committee is in violation of Sections 9-3, 9-8.5 or
1284 9-10 of the Code, it may assess a penalty for non-compliance consistent with the
1285 penalty provisions contained in those sections of the Election Code and 26 Ill.
1286 Adm. Code 125.425. However, no additional penalty shall be imposed by the
1287 Board for any violation found as a result of a Board ordered audit, if the
1288 Committee has previously been assessed a penalty for that violation.
1289

- 1290 g) Any political committee, ordered by the Board to conduct an audit whose
1291 chairman, treasurer or candidate on whose behalf the committee was formed,
1292 states under oath, in a signed and notarized affidavit that the committee lacks the
1293 financial means to hire a CPA, may in lieu of conducting an audit;
1294

1295 1) dissolve as a political committee and file a final report with the Board
1296 within 10 business days following the date of the notice of audit, and
1297

1298 2) must remain dissolved for a period of 4 years.
1299

1300 3) If the committee fails to dissolve within 10 business days of the date of the
1301 notice of audit, the Board staff shall contact the committee within two
1302 business days following the expiration of the 10th business day referred to
1303 above, and inform it that the option of excusing itself from conducting an
1304 audit will not be available to the committee unless it dissolves within five
1305 business days of being so informed. If the committee does not dissolve
1306 within the five business days provided above, the committee shall be
1307 required to conduct the audit under the provisions of Section 9-13 of the
1308 Code and Section 100.175 of this Part.
1309

- 1310 h) In order to avail itself of this option, the committee must have a funds balance that
1311 does not exceed the cost of hiring a CPA, such cost being typical for the county in
1312 which the committee is located. The committee must submit with its affidavit a
1313 written cost estimate from at least one CPA located in the county in which the
1314 chairman, treasurer or candidate resides. The provisions of subsection (c) of this
1315 Section pertaining to restrictions on CPAs chosen to conduct an audit shall also
1316 apply to the CPA whose fee is used as a basis to determine the financial ability of
1317 the committee to pay the cost of a CPA.
1318

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- i) If a political committee dissolves as a result of its financial inability to conduct an audit as provided in subsection (g), and then reactivates during the 4 year period it was required to remain dissolved, as a condition of its reactivation, the committee must conduct an audit covering the two year period immediately prior to the committee's dissolution.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 100.180 Business Entity Registration Procedures

- a) This Section and Section 100.185 are adopted to comply with Public Act 95-971, as amended by Public Act 96-0848. Any business entity whose existing State contracts, whose bids and proposals on State contracts or whose bids and proposals on State contracts combined with the business entity's existing State contracts in aggregate annually total more than \$50,000 shall register with SBEL in accordance with Section 9-35 of the Election Code [10 ILCS 5/9-35]. Those business entities that wish to submit a bid or proposal on a State contract must register with SBEL prior to submitting their bid or proposal. SBEL will provide a certificate of registration upon successful completion of the registration process.

b) Definitions

- 1) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", "affiliated person", and "executive employee" shall have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37] (Procurement Code).
- 2) The term "annually", as used in Section 20-160 of the Procurement Code, when referring to the aggregation of State contracts, shall mean the calendar year in which the contracts are bid on or awarded.
- 3) Unless otherwise indicated, any time frame involving a certain number of days shall refer to business days. Business days shall be those days in which the office of SBEL is open to the public for a minimum of 7 hours.
- 4) The term "political committee" shall mean any political committee required to file as such under the provisions of Article 9 of the Election Code (campaign disclosure law), regardless of whether the committee has

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filed a Statement of Organization pursuant to Section 9-3 of the Election Code.

- 5) The term "minor child" shall mean any affiliated person who has not attained 18 years of age as of the time of registration of the business entity with which the person is affiliated.

- c) Upon the establishment of a fully functional and statutorily compliant electronic registration system, business entities will be required to submit their registration forms electronically consistent with Section 9-35 of the Election Code. Within 60 days after the establishment of the electronic system, all business entities that have submitted their registrations via e-mail attachment or on paper shall re-submit their registration electronically. SBEL will send notice to all such entities informing them that the electronic system has been established and setting a date on which the 60 day period is to begin. This re-registration requirement shall also affect any business entity that had previously registered with SBEL, but that is no longer required to be registered. At the time of re-submission, SBEL shall provide to the business entity an electronic certificate of registration.

- d) Business entities shall register on a secure website provided by SBEL by first creating an on-line account. SBEL will verify the authenticity of that account at the time of registration.

- e) Registration Procedures

- 1) The following information must be supplied at the time of, and for the purpose of listing in, the registration:

A) The name and address of the business entity. The address shall be the office designated by the entity as its principal office or its headquarters.

B) The name and address of each affiliated entity of the business entity, including a description of the affiliation. The address shall be that of the principal office or headquarters of the affiliated entity.

C) The name and address of each affiliated person of the business entity, including a description of the affiliation. (Every affiliated person or persons within a business entity that is required to

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register electronically must be listed on the registration form. If there are no affiliated persons, the person whose position within the business entity comes closest to meeting the definition of affiliated person shall be listed on the registration form. The electronic registration system will not accept a blank entry where a name is required.) The name and address of a minor child who must be disclosed on the business entity's registration by virtue of the fact that such person falls under the definition of affiliated person shall not be posted on the SBEL website.

- D) The Federal Employer Identification Number (FEIN), if the business has obtained such a number. If the business does not have a FEIN, an Illinois Business Tax Number (IBT) must be provided. If the business has neither of these numbers, it must provide an identifying number unique to that business that is capable of verification by SBEL. A sole proprietorship may use a social security number as a unique identifier if it does not have a FEIN or an IBT.

- 2) Registration shall be accomplished in one of the two following methods:

- A) A web-based program through which information may be entered, saved and transmitted upon completion. Changes may be made by accessing the program, making the changes, and submitting those changes to SBEL via the program contained on SBEL's website.
- B) A format, provided by SBEL, designed specifically for large business entities through which data may be submitted in lieu of completion of the web-based option. Though this method is geared toward larger business entities, any business entity may choose to use this method.

- f) The Board shall provide a certificate of registration to the business entity upon registration and upon any change of information submitted by the entity. The certificate shall be electronic and accessible to the business entity through the SBEL website and shall be password protected.

- 1) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by

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first class mail, e-mail or hand delivery within 10 days after registration, to each affiliated entity and each affiliated person listed by the registrant.

- 2) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after the addition of any affiliated entity or affiliated person whose identity is required to be disclosed, to that affiliated person or entity. The delivery of the registration certificate to a minor child who is an affiliated person shall be accomplished by providing it as described in this Section to either parent or the legal guardian of the minor child. The business entity shall document in writing the date of submission of the certificate of registration to the appropriate entities and persons.
- 3) Any business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution, in writing at the time of the contribution, that the business entity is registered with SBEL under Section 20-160. The business entity shall document in writing the date of submission of the ~~notice~~certificate of registration to the appropriate political committee. The certificate of registration may serve as the required written notice.
- 4) Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution that it is affiliated with a business entity registered with SBEL under Section 20-160 and the business entity with which it is affiliated. The notification shall be in writing and shall occur at the time the contribution is made to the committee. The affiliated entities or persons shall document in writing the date of submission of the ~~notice~~certificate of registration to the appropriate political committee. The certificate of registration may serve as the required written notice.
- 5) In the determination of a complaint alleging a failure to comply with any notification requirement contained in this subsection (f), the failure of a party responsible for providing the required notification to submit written documentation of compliance shall create a rebuttable presumption of noncompliance against that party.

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- g) Pursuant to 30 ILCS 500/20-160, each bid submitted to and every contract executed by the State on or after January 1, 2009 shall contain:
- 1) A certification by the bidder or contractor that either:
 - A) the bidder or contractor is not required to register as a business entity with SBEL pursuant to this Section; or
 - B) the bidder or contractor has registered as a business entity with SBEL and acknowledges a continuing duty to update the registration; and
 - 2) A statement that the contract is voidable under Section 50-60 of the Procurement Code as a result of the bidder's or contractor's failure to comply with Section 20-160 of the Procurement Code.
- h) A business entity whose aggregate bids and proposals on State contracts annually total more than \$50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the contract is awarded. Any change of information, including but not limited to changes in affiliated entities or affiliated persons, must be reported to SBEL within 5 business days following the change or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(a)).
- i) A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contract or for a period of 2 years following the expiration or termination of the contract, whichever is longer.
- 1) Any change in information, including but not limited to changes in affiliated entities or affiliated persons, shall be reported to SBEL on a quarterly basis within 10 business days following ~~on the final day of~~ January, April, July and October of each year, ~~or the first business day after those dates, if those dates do not fall on a business day~~ (see Section 100.185(a)).

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2) If a business entity required to register under Section 20-160(d) of the Procurement Code has a pending bid or proposal on a State contract, then any change in information shall be reported to SBEL within 5 business days or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(c)).

j) Pursuant to 30 ILCS 500/20-160, a copy of the business entity's certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register. The chief procurement officer of the State agency shall not accept a bid or proposal unless:

1) the certificate of registration is submitted to the agency with the bid or proposal; or

2) a statement that the bidder or contractor is not required to register as a business entity with SBEL is submitted to the agency with the bid or proposal.

k) A registration, and any changes to a registration, must include the business entity's verification of accuracy.

l) The requirements of this Section apply regardless of the method of source selection used in awarding the contract.

m) SBEL will keep and maintain the paper registrations filed in accordance with P.A. 95-1038 and the emergency rules enacted by SBEL in its principal office in Springfield for a period of 3 years~~6 months~~ following the creation of the electronic registration system. The public may view these paper registration submissions of business entities at SBEL's principal office in Springfield during normal business hours. Copies of registrations of business entities submitted to SBEL shall also be available for public inspection at SBEL's principal office in Springfield. The searchable database provided for in Section 9-35 of the Election Code shall be accessible to the public at all times following its creation.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 100.185 Assessment of Civil Penalties

a) The provisions of Sections 9-20 through 9-24 of the Election Code relating to complaints for violations of Article 9 of the Election Code shall apply to

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complaints for violations of Section 9-35(c) (failure to re-register electronically within 60 days following the establishment of the electronic registration system), Section 9-35(d) (failure to notify affiliated persons and entities of a business entity that the business entity is registered with the Board) and Section 9-35(e) (the intentional, willful or material failure to disclose required registration information and failure to update a registration), except that the complaint shall be directed to the registered agent of the business entity or its chief executive officer. In addition, the provision of Section 9-21 pertaining to the 60 day period prior to an election shall not apply to complaints filed under this Section. Willful or intentional failure to disclose material information on a business entity's registration shall subject that entity to a civil penalty assessed by the Board not to exceed \$5,000 per occurrence. If the Board determines that a business entity has intentionally, willfully or materially failed to disclose required information on its registration, it shall refer that determination to the chief procurement officer of the agency or agencies that accepted a bid or entered into a contract with that business. Failure to provide notice under Section 9-35(d) is a business offense, the penalty for which shall not to exceed \$1,001.

- b) The provisions of 26 Ill. Adm. Code 125, Subparts A, B and C shall apply to complaints filed against business entities.
- c) Failure to update a registration as required by Section 20-160(d) and (e) of the Procurement Code and Section 100.180(i)(1)(2) of this Part, (any change in information must be reported to SBEL within 10 business days following the last day of the quarterly period or within 5 business days following that change or no later than a day before the contract is awarded, whichever date is earlier), will result in a \$1,000 per day penalty for each day the information remains unreported. For purposes of this Section, the information required to be updated is the information required of a business entity under Section 9-35(b) of the Election Code, including name and address of the business entity and any affiliated person or entity. In the event a request is made to view a paper based Illinois Business Registration prior to its release to the requestor, SBEL will redact any information pertaining to minor children that is included on the paper based registration.
- d) Any penalty assessed against a business entity by SBEL for violation of Section 9-35 of the Election Code shall be paid within 30 days after the assessment of the penalty. The 30 day period shall commence on the date the letter is sent by SBEL to the business entity assessing the penalty. Any assessed penalty that remains unpaid more than 30 days after the issuance of the final order assessing the

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1595 penalty shall be posted on the SBEL website, indicating the name of the business
1596 entity owing the penalty and stating that the penalty remains unpaid.
1597

1598 (Source: Amended at 34 Ill. Reg. _____, effective _____)
1599
1600

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TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

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1718

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1721 125.820 Effective Date
1722 125.830 Interpretation
1723 125.840 Severability
1724

1725 AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the
1726 Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].
1727

1728 SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230,
1729 effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended
1730 at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278;
1731 amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective
1732 June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg.
1733 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7,
1734 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999;
1735 amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill.
1736 Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2,
1737 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. 6337,
1738 effective April 3, 2006; amended at 30 Ill. Reg. 10266, effective June 1, 2006; amended at 31 Ill.
1739 Reg. 16738, effective December 14, 2007; amended at 34 Ill. Reg. _____, effective
1740 _____.
1741

1742 SUBPART A: DEFINITIONS AND GENERAL PROVISIONS
1743

1744 **Section 125.5 Applicability**
1745

1746 This Subpart A shall apply to the practices and procedures of the State Board of Elections, and
1747 all proceedings conducted by the Board under Subpart A. This Part is not intended to apply to
1748 State Electoral Board hearings, or to proceedings under Subpart B of this Part (closed
1749 preliminary hearings) where any provisions of Subpart B makes a more specific or contradictory
1750 provision to anything contained in Subpart A.
1751

1752 (Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)
1753

1754 **Section 125.10 Definitions**
1755

1756 As used in Subparts A-H of these Rules, the following terms shall have the meanings specified:
1757

- 1758 a) "Board" means the State Board of Elections;
1759
1760 b) "General Counsel" means the person designated and appointed as General

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Counsel of the Board, or any individual acting in his stead in the event of

1) a vacancy in the position of General Counsel, or

2) the absence, incapacity, or unavailability of the General Counsel.

c) "file", "filed", or "filing" means with respect to reports, statements and documents required to be filed with the State Board of Elections or the appropriate election authority:

1) delivery to the principal office of the State Board of Elections, Springfield, Illinois, or the appropriate election authority by the close of business of the prescribed filing date, or;

2) delivery to the permanent branch office of the State Board of Elections, Chicago, Illinois, by the close of business of the prescribed filing date, or;

3) deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

d) "Act" means the Campaign Financing Act (The Election Code, Article 9), and all amendments thereto;

e) "Party" means individual(s), trust(s), partnership(s), committee(s), corporations(s), association(s), public or private organization(s) or group(s) of persons of any character, or any governmental agency entitled or required to participate in any hearing or proceeding;

f) "Complainant" means a party initiating a proceeding under the Act by the filing of a complaint; and

g) "Respondent" means a party against whom a complaint is directed.

Section 125.15 Board Offices and Business Hours

a) The principal office of the State Board of Elections is located at Springfield, Illinois, and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:00 a.m. to 4:30 p.m.

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- b) The permanent branch office of the State Board of Elections located at Chicago, Illinois, shall be open each day except Saturdays, Sundays and State legal holidays, from 8:30 a.m. to 5:00 p.m.
- c) When the last day for the filing of nominating petitions and/or objections to nominating petitions as required by the Election Code is a Saturday, Sunday, or holiday, then the Board offices shall remain open from 8:30 a.m. to 5:00 p.m. on that day.
- d) However, on the day of any election, or at any other time, the offices of the Board may be kept open such additional time as the Board shall deem necessary to carry out its duties.

Section 125.20 Documents Pertaining to Hearings

- a) All documents, including but not limited to complaints, notices and motions, permitted or not required to be filed with the Board in connection with any proceeding before the Board shall be filed with the office of the General Counsel.
- b) All documents permitted or required to be filed with the office of the General Counsel may be so filed either:
- 1) by personal delivery to the Board's principal office located in Springfield, Illinois, or the Board's permanent branch office located in Chicago, Illinois, or
 - 2) by mail, postage prepaid with the United States Postal Service, and addressed to the General Counsel at the Board's principal office or permanent branch office in Chicago.
- c) All documents filed by mail pursuant to Section 125.20 shall be deemed filed as of the date and time when such documents are actually received by the office of the General Counsel. If said office customarily and regularly utilizes a time-date stamp for the recording of the receipt of such documents, the time and date stamp impression affixed to any such filed document shall be prima facie evidence that such document was filed on the date and at the time shown by such stamp impression.

Section 125.30 Form of Documents

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- a) All documents filed with the office of the General Counsel shall be stamped or printed with the docket number and the title of the proceeding in connection with which they are filed. Upon the filing of a complaint, the office of the General Counsel shall assign a docket number to the complaint and proceeding, and all documents thereafter filed pertaining to that particular complaint or proceeding shall include the docket number first assigned. Except as otherwise provided, eight (8) copies of all documents shall be filed with the office of the General Counsel. When the Board or the General Counsel waives the necessity of filing eight (8) copies of documents, such waiver shall be binding. Documents shall be printed or typewritten or reproduced from a printed or typewritten copy on unglazed white paper.
- b) Reproduction may be made by carbon or copying machines or any other process that produces legible black on white copy. At least one copy of each document shall be signed by the party filing or by his authorized representative or attorney. The first document filed by a party in any proceeding shall bear the address and telephone number of the party or of his attorney or representative and the designation of such address shall be deemed to be consent by the filing party to have a copy of all documents filed or to be filed thereafter served upon the party at such address.

Section 125.40 Service of Documents

Except as provided in Section 125.240, whenever these Rules require any document to be served upon a party or other person, service shall be complete when the document is served by abode service as provided in the Civil Practice Law [735 ILCS 5/2-203(a)], in person upon the party or his attorney or designated representative, or deposited for mailing with the United States Postal Service, postage prepaid, registered or certified, addressed to the party at his last known address.

(Source: Amended at 24 Ill. Reg. 14203, effective September 11, 2000)

Section 125.50 Computation of Time

Computation of any period of time expressed in days and prescribed by these Rules shall begin with the first day following the day on which the act or event initiating such period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or State legal holiday. Computations of any period of time expressed in hours and prescribed by these Rules shall begin sixty (60) minutes after the act or event initiating such period of time occurs, and shall run until the end of the last sixty-minute period; provided, however, that all sixty-minute periods falling within a Saturday, Sunday or State legal

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holiday shall be excluded in computing the period of time.

Section 125.55 Time of Notices

Whenever this Part requires a notice to be given within a period of time, such requirements shall be construed to mean that notice shall be received by the party entitled to such notice; provided however, that evidence that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received by the party entitled to such notice.

Section 125.60 Appearances

- a) Any person entitled to participate in Board proceedings may appear as follows:
 - 1) A natural person may appear in his own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both;
 - 2) A business, unincorporated association, nonprofit, or government organization may appear by any bona fide officer, employee, or representative, or may be represented by an attorney licensed and registered to practice in the State of Illinois, or both.
- b) The Board is not authorized to permit attorneys not licensed in the State of Illinois to appear in its proceedings. However, attorneys licensed in states other than Illinois may apply to the Illinois Supreme Court for the right to practice before the Board. The title of the pleading should be "Motion to Appear Pro Hac Vice Before an Administrative Agency" and should be directed to the Clerk of the Illinois Supreme Court. The moving attorney must provide written confirmation of his successful admission to the Board's hearing officer prior to entering his appearance in any Board Proceeding.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Board, together with proof of service on all parties or their respective attorneys.

(Source: Amended at 30 Ill. Reg. 6337, effective April 3, 2006)

Section 125.70 Non-legal Assistance

Any party involved in any proceeding conducted pursuant to this Part shall have the right to the

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presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation. The Hearing Examiner may at his discretion restrict the number of such additional persons who may attend and participate in the proceedings.

Section 125.75 Parties

- a) The person initiating a proceeding shall be designated the complainant. Any adverse party shall be designated the respondent.
- b) Misnomer of a party is not a ground for dismissal, but the name of any party may be corrected at any time.
- c) If a complete determination of a controversy cannot be had without the presence of other parties, the Board may direct them to be brought in. If a person not a party has an interest which the order may affect, the Board on its own initiative or on application, may direct him to be made a party. Service of process and subsequent pleadings shall be had as directed by the Board.

Section 125.80 Answer

Any respondent may file a written answer to a complaint prior to or at the time of any proceeding or hearing, but shall not be required to file an answer. The failure to file an answer shall not be deemed an admission of any allegation in the complaint nor a consent to the requested relief. An answer may include affirmative defenses and jurisdictional objections. An answer shall be filed with the Hearing Examiner, and at least one copy of the same shall be signed by the respondent or his attorney and shall contain thereon evidence of service as herein provided. At least one copy of such answer shall be served upon all other parties to the proceeding, in accordance with Section 125.40 and the General Counsel.

Section 125.90 Qualifications of Hearing Examiner

Whenever possible a person appointed Hearing Examiner for an adjudicatory proceeding conducted pursuant to this Part shall be a licensed attorney. Unless all parties to the proceeding so stipulate, the Examiner who conducted the closed preliminary hearing shall not conduct the public hearing. Closed preliminary hearings are deemed non-adjudicatory by this Part and by Section 125.245.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

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Section 125.95 Authority of Hearing Examiner

The Hearing Examiner has the authority to conduct and preside over an adjudicatory hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. He shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to, the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by depositions if necessary, and in general conduct the proceedings, according to recognized principles of administrative law and the provisions of this Part;
- c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- d) Rule upon offers of proof and receive relevant evidence;
- e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;
- f) Dispose of procedural requests or similar matters;
- g) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part;
- h) In connection with a public hearing on a complaint, render proposed Findings of Fact and Conclusions of Law and make Recommendations for a final order of the Board;
- i) Enter any order that further carries out the purpose of this Part;
- j) Issue subpoenas and rule upon objections to subpoenas and discovery orders;
- k) Consider and rule upon all motions presented in the course of the proceedings.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

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Section 125.100 Disqualification of Hearing Examiner

Any party to a hearing may file a timely written request for disqualification of a Hearing Examiner, setting forth therein the nature of the personal bias, prejudice, or other disqualification of a presiding Hearing Examiner, and such Hearing Examiner shall be thereupon disqualified. When a Hearing Examiner is disqualified, or it becomes impractical for him to continue, another presiding Hearing Examiner shall be appointed in the manner provided for initial appointment, unless it is further shown that substantial bias or prejudice will result from the appointment. A Hearing Examiner may at any time voluntarily disqualify himself. A request for disqualification shall be considered timely if made within three days after receipt of the notice of the appointment of the Hearing Examiner by the party requesting the disqualification and at least 24 hours prior to the commencement of the hearing or pre-hearing conference by the Hearing Examiner; provided, however, that in the case of a complaint filed within 60 days preceding the date of an election in reference to which the complaint is filed, such request shall be considered timely only if verbal notice of the request is given to the General Counsel within eight hours after the requesting party has received telegraphic or telephonic notice of the appointment of the Hearing Examiner.

(Source: Amended at 24 Ill. Reg. 14203, effective September 11, 2000)

Section 125.110 Motions

- a) Unless made orally on the record during a hearing, or unless the Hearing Examiner directs otherwise, motions shall be in writing and accompanied by any affidavits or other matters relied upon. The original copy of all motions shall be served upon the Hearing Examiner and copies shall be served upon all other parties to the proceeding and the General Counsel.
- b) A party may file a response in support of or in opposition to a motion within such time as the Hearing Examiner directs. If no response is filed, the parties shall not be deemed to have waived objections to the motion. Service of a response shall be the same as provided in Section 125.110(a).
- c) No oral argument will be heard on a motion unless the hearing examiner directs otherwise.
- d) The Hearing Examiner shall rule upon all motions, except that he shall have no authority to make a recommendation to the Board to dismiss or decide a hearing on the merits, without granting all parties to the proceeding a right to be heard and to establish a record.

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e) Unless otherwise ordered by the Board, the filing of a motion shall not stay the proceeding or extend the time for the performance of any act.

f) A party may participate in the proceedings without waiving any jurisdictional objection.

Section 125.115 Consolidation and Severance of Claims: Additional Parties

In the interest of convenience, expeditious and complete determination of claims, the Hearing Examiner or the Board may consolidate or sever adjudicative claims involving any number of parties, and may order additional parties to be brought in pursuant to the provisions of Section 125.75(c).

Section 125.120 Amendments

Complaints may be amended under any of the following circumstances:

- a) to correct any technical defects;
- b) to conform to the evidence presented at the hearing;
- c) to conform to new matters that arise at the hearing if it appears from the original and amended pleadings that the cause of action asserted in the amended pleading grew out of the same transaction or occurrence, or arose from or relate to the same disclosure period set forth in the original pleading. For the purpose of preserving the cause of action under those conditions, an amendment adding a person as a respondent relates back to the date of the filing of the original pleading so amended.

Section 125.130 Intervention

- a) Upon timely written application, the Hearing Examiner may permit any person to intervene in a proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following conditions is met:
 - 1) when the applicant is so situated that he may be adversely affected by a final order of the Board; or
 - 2) when an applicant's claim or defense and the adjudicative proceeding have a question of law or fact in common.

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b) A petition for intervention shall be filed with the Hearing Examiner and a copy shall be served on each party and upon the General Counsel prior to the date set for hearing of the matters set forth in the complaint. The Hearing Examiner may thereafter permit intervention only upon good cause shown for the delay. The Hearing Examiner may grant such continuances of the hearing as justice may require.

c) An intervenor shall have all the rights of an original party, except that the Hearing Examiner may in his order allowing intervention provide that the applicant shall be bound by orders previously entered, that the applicant shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the applicant shall not raise new issues or add new parties, or that in other respects the applicant shall not interfere with the control of the hearing, as justice and the avoidance of undue delay may require.

Section 125.135 Pre-hearing Conferences

a) Upon notice by the Hearing Examiner in any proceeding or upon request by any party, the Hearing Examiner may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for the purposes hereinafter mentioned. The purposes for such conferences shall include:

- 1) the formulation and simplification of issues;
- 2) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
- 3) the possibility of stipulations concerning the admissibility of evidence;
- 4) the limitations of the number of witnesses;
- 5) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
- 6) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b) In exercising such discretion, the Hearing Examiner shall give due consideration

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to the time requirements of Section 9-21 of the Election Code.

Section 125.140 Settlement Pursuant to Conferences

At any time upon suggestion of the Hearing Examiner or upon request of any party, an opportunity shall be afforded all parties to dispose of the case by written stipulation, agreed settlement or consent order, unless otherwise precluded by law. Any stipulation, agreed settlement, or consent order shall be submitted in writing to the Board and shall become effective only if approved by the Board.

Section 125.150 Record of Conferences

A record of any conference held pursuant to Section 125.140 hereof shall be kept only if all parties to the proceeding shall request such a record. If such a request is made, the record of the conference shall be deemed a part of the record of the hearing.

Section 125.160 Continuances

- a) A hearing may be continued for good cause by the Hearing Examiner upon his own motion or upon motion of a party to the hearing after due consideration of any time limitations required by law or by this Part. Notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive continuances so that the hearing may be resolved expeditiously.
- b) For good cause, and only if pursuant to a written stipulation between all parties, a hearing may be continued for a period of time in excess of the time limits set forth in Section 9-21 of the Act; provided, however:
 - 1) No continuance, or series of continuances, may total more than 45 days;
 - 2) If the complaint was filed within 60 days preceding the date of an election, in no event shall the continuance extend beyond two days prior to the date of the election.
- c) Any request for a continuance and the reasons therefore, and any written stipulation shall be made part of the hearing record.

Section 125.170 Order of Proceedings

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The following shall be the order of all proceedings held, pursuant to Subpart C of this Part subject to modification by the Hearing Examiner for good cause:

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint of answer;
- b) presentation of opening statements;
- c) complainant's case;
- d) respondent's case;
- e) complainant's case in rebuttal;
- f) statements from interested citizens, if authorized by the Hearing Examiner;
- g) complainant's closing statement, which may include legal argument;
- h) respondent's closing statement, which may include legal argument; and
- i) ruling on any reserved motions.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.175 Failure of Party to Appear

Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Examiner shall not deter the hearing from proceeding unless the Hearing Examiner shall, for good cause, order a continuance.

Section 125.180 Evidence

- a) Except with respect to matters of privilege, the rules of evidence as applied in civil cases in courts of this State shall not be strictly applied to hearings under this Part. Admissibility of evidence shall be liberally interpreted in order to present all matters which are or may be relevant to the issues affecting the parties.
- b) The Hearing Examiner shall exclude immaterial, irrelevant and repetitious evidence.

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c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Examiner shall admit such evidence.

d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matters of the hearing.

Section 125.185 Official Notice

Notice may be taken of matters of which the Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

Section 125.190 Examination of Adverse Party or Agent

Upon the hearing of an adjudicatory action any party thereto or any person for whose immediate benefit the action is prosecuted, or defended, or the officers, directors, or managing agents of any party to the action, may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not precluded thereby but may rebut the testimony thus given by countertestimony and may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.192 Participation by Board Members and Staff

a) Any Board member or staff member of the Board may be designated by the Board to participate in hearings conducted under this Part, and pursuant thereto, may interrogate witnesses, raise points of law and have all rights of an interested party. Such Board member or staff member shall not have the authority to rule on objections, motions or petitions, or to overrule the Hearing Examiner during the hearing, or otherwise to usurp the authority of the Hearing Examiner conferred under this Part.

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- b) Such Board or staff members shall not be subject to any rule or motion adopted during the hearing excluding witnesses but shall be permitted to participate in all hearings as a representative of the Board even if also a witness.

Section 125.195 Hostile Witnesses

If the Hearing Examiner in an adjudicatory hearing determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling a witness, upon a showing that he called the witness in good faith and is surprised by his testimony, may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.197 Admission of Business Records in Evidence

Any writing or record, whether in the form of any entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, except as otherwise privileged, shall be admissible as evidence of the act, transaction, occurrence, or event, if made in the regular course of any business, and if it was the regular course of the business to make such a memorandum or record at the time of such an act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but shall not affect its admissibility. The term "business", as used in this Rule, includes business, profession, occupation and calling of every kind, and shall specifically include campaigns for nomination or election or campaigns in support of or opposition to any referendum or question of public policy.

Section 125.199 Compelling Appearance at Hearing

The appearance at an adjudicatory hearing of a party or a person who is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear. If the party or person is a non-resident of the State, the Hearing Examiner shall provide by order such terms and conditions in connection with his appearance at the hearing as are just, including payment of his reasonable expenses. The notice also may require production at the hearing of documents or tangible things.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

SUBPART B: CLOSED PRELIMINARY HEARINGS

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Section 125.210 Applicability

The rules in this Subpart shall apply to closed preliminary hearings pursuant to Section 9-21 of the Campaign Financing Act.

Section 125.220 Commencement of Proceeding

A proceeding to adjudicate an alleged violation of the Act shall be commenced by the filing of a complaint in accordance with Section 125.20.

Section 125.230 Form of Complaint

All complaints shall conform to Section 125.30, and shall contain the following:

- a) The complaint shall be directed to and state the name of the person, candidate, or the chairman or treasurer of a political committee against whom the complaint is directed;
- b) The complaint shall state the provisions of the Act or Rules which are alleged to have been violated;
- c) The complaint shall state the time, place and nature of the alleged offense; and
- d) The complaint shall be verified, dated and signed by the complainant, in substantially the following manner:

Verification

"I declare that this complaint (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Article 9 of The Election Code. I understand that the penalty for willfully filing a false complaint shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed six months, or both fine and imprisonment."

(Date of filing)

(Signature of person filing the complaint)

Section 125.235 Board Members as Complainants

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- a) Nothing in this Part shall prohibit a member of the Board from filing a complaint in his or her individual capacity.
- b) After filing the complaint, the complaining member shall decline to be present at or participate in any Board decision affecting said complaint or the proceedings pertaining to said complaint.
- c) In all other respects, the provisions of this Part shall apply to situations where a member of the Board is a complainant.

Section 125.240 Service of Complaint

- a) If a complaint is filed within 60 days prior to the date of an election in reference to which the complaint is filed, the complainant shall serve a copy of the complaint upon all respondents prior to the time of filing, and the complaint filed with the office of the General Counsel shall have attached to it proof of service, consisting of any one of the following:
- 1) a written acknowledgment signed by the person served;
 - 2) in case of service by personal delivery, an affidavit of the person who made delivery; or
 - 3) abode service in accordance with the Civil Practice Law [735 ILCS 5/Art. II].
- b) In all other cases, service shall conform to Section 125.40.
- c) When a complainant has attempted to serve a respondent who is no longer residing at his or her last known address, proof of service shall be complete when the complainant has filed an affidavit indicating that a diligent effort has been made to locate the respondent but that effort has been unsuccessful and the respondent's whereabouts are unknown.

(Source: Amended at 29 Ill. Reg. 18796, effective November 7, 2005)

Section 125.245 Appointment of Examiner - Order of Closed Preliminary Hearing

- a) Complaints may be filed by Board members, Board staff, or private persons in

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2358 accordance with Section 9-20 of the Act.

- 2359
- 2360 b) In accordance with the time constraints stated in Section 9-21 of the Election
- 2361 Code, the Executive Director shall appoint an Examiner, who shall be a licensed
- 2362 attorney or a Board employee of the classification Election Specialist III or
- 2363 higher, who possesses at least two years experience as an Election Specialist of
- 2364 any rating, and the Director of the Division of Campaign Disclosure shall enter an
- 2365 order directing a closed preliminary hearing be held on the complaint, designating
- 2366 the time and place of the hearing.
- 2367
- 2368 c) The Examiner may be the Director of the Campaign Disclosure Division or any
- 2369 person designated by the Executive Director.
- 2370
- 2371 d) A copy of such order shall be served on the complainant, if different from the
- 2372 Board or its staff, and upon the respondent. Such order shall have attached a copy
- 2373 of the complaint.
- 2374
- 2375 e) The order shall contain a recitation that the respondent may be represented by
- 2376 counsel at the closed preliminary hearing.
- 2377

2378 (Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

2379

2380 **Section 125.250 Time of Preliminary Hearing (Repealed)**

2381

2382 (Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

2383

2384 **Section 125.252 Scope of Preliminary Hearing – Procedures – Evidence**

2385

2386 The closed preliminary hearing is not an adjudication, but shall be an inquiry to elicit evidence

2387 on the question whether the complaint was filed on justifiable grounds, and having some basis in

2388 fact and law.

2389

- 2390 a) The closed preliminary hearing shall be conducted by the Examiner.
- 2391
- 2392 b) Minutes of the closed preliminary hearing shall be kept by the Board staff and
- 2393 signed by the Examiner. A party may record the proceedings by employing his or
- 2394 her own court reporter, or otherwise recording the hearing. Minutes of the closed
- 2395 preliminary hearing shall be made available to any party upon request.
- 2396

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- c) The closed preliminary hearing need not be strictly adversarial in nature;
- 1) Any person offering evidence, written or oral shall affirm to the Examiner that his or her evidence is true to the best of his or her information and belief;
 - 2) Evidence may be submitted in narrative form;
 - 3) The Examiner shall not be bound to follow rules of evidence acceptable in an Illinois court of record, but may admit and rely upon for his or her recommendation such evidence or information of a type commonly relied upon by reasonably prudent men in the conduct of their affairs as provided by Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1012);
 - 4) The complainant bears the burden of introducing such evidence or information sufficient under subsection (c)(3), for the Board to conclude that the complaint has been filed on justifiable grounds;
 - 5) The complainant will ordinarily present evidence or information supporting its complaint first in order. The complainant will present his case first except when convenience to the Examiner or the respondent requires the respondent to proceed first. The consent, in such cases, of the complainant will be required. The respondent may then present any information or evidence; and
 - 6) The Examiner may ask the complainant or respondent any questions relevant to the charges of the complaint. Any question is relevant if it has the possibility of eliciting an answer which tends to make the ultimate fact of justifiable grounds more or less likely.
- d) At the close of the hearing the Examiner shall summarize his or her conclusions concerning the evidence and information represented and draft a recommendation to the Board addressing the questions whether the complaint was filed on justifiable grounds. The Examiner shall also attach to the minutes any documents tendered to the Board during the hearing, and submit his recommendation and the minutes to the Board for their consideration. He shall send a copy to the General Counsel.

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e) The Examiner shall have no authority to rule on any questions of law raised by the complainant or respondent, but shall note in the minutes all such matters for the Board's disposition.

f) At any time before the Examiner submits his recommendation and minutes, the complainant and respondent may settle the matters between them, subject to the approval of the Board. If the Board or a member of its staff is the complainant, the Examiner shall have the authority to enter into a stipulation for settlement pursuant to Section 125.254 of this Part, which stipulation shall be subject to Board approval.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.253 Responsibilities of the General Counsel

a) Upon receipt of a copy of the recommendation of the Examiner and the minutes, the General Counsel shall:

- 1) Review the minutes for questions of law and evidence;
- 2) Offer his remarks and recommendations on all matters of law noted in the minutes;
- 3) When such comment would assist the Board in understanding the recommendation of the Examiner, the recommendation is against the manifest weight of the evidence or otherwise subject to dispute, comment upon matters of evidence; and
- 4) Transmit his remarks and recommendations to the Board in accordance with the time constraints stated in Section 9-21 of the Election Code.

b) If no question of law or fact requires the General Counsel's comment or recommendation, he shall so note without further remark.

(Source: Added at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.254 Stipulated Settlement

a) Whenever a closed preliminary hearing is conducted, the parties shall be afforded

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an opportunity to come into compliance with any applicable requirement of the Act, the Election Code, or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order approved by the Board. Provided however, if the committee has previously failed to comply with the requirements of the Act, the Election Code or any rule of the Board, then any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Act, the Election Code, or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed. "Repeated failures" means more than one.

- b) Any written stipulation or agreed order issued pursuant to this Section shall include a provision known as the "Standing Order" provision as referred to in Section 125.420, requiring that all subsequent reports, statements or filings required by the Act must be made within the time limits set forth in the Act, and that any failure or refusal to comply with filing deadlines shall result in the imposition of the following civil penalties in accordance with Section 125.425. Any such standing order provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.
- c) Any person who fails or refuses to comply with the terms of a standing order provision shall be notified by the Board by service as set forth in Section 125.425, that the Board shall issue an order imposing a civil penalty in accordance with the schedule set forth in this Rule. Such person shall be afforded an opportunity to appear at the next regularly scheduled or special Board meeting and to show cause why such a civil penalty shall not be imposed. For purposes of this subsection, cause shall consist of proof that the report was submitted on time, as evidenced by a date stamp on the received document or other evidence submitted to the Board.
- d) Any civil penalties imposed pursuant to this Section may be enforced and collected in accordance with Section 125.430.
- e) In approving any stipulation or agreed order under this Part the Board shall consider, but not be limited to, any evidence offered and noted by the Examiner or Hearing Examiner of the following factors:
 - 1) A party's history of compliance with the Act, the Election Code, or rules of the Board;

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- 2514
- 2515 2) Any evidence of respondent's ignorance of a material fact which led to the
- 2516 conduct which was the source of the complaint;
- 2517
- 2518 3) The degree of cooperation exhibited by the respondent with Board staff,
- 2519 the Hearing Examiner or Examiner and,
- 2520
- 2521 4) Factors in mitigation or factors in aggravation of the circumstances
- 2522 complained of in the complaint.
- 2523

2524 (Source: Added at 14 Ill. Reg. 10832, effective June 22, 1990)

2525

2526 **Section 125.255 Transcript of Preliminary Hearing (Repealed)**

2527

2528 (Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

2529

2530 **Section 125.260 Report of Hearing Examiner (Repealed)**

2531

2532 (Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

2533

2534 **Section 125.262 Board Determination**

2535

- 2536 a) After the submission of the recommendations of the Examiner, the minutes, and
- 2537 the recommendations of the General Counsel, if any, the Board shall determine
- 2538 whether the complaint was filed on justifiable grounds. If the Board determines
- 2539 that the complaint was filed on justifiable grounds, and if the respondent is
- 2540 unwilling to take such action as is necessary to correct the violation or refrain
- 2541 from the conduct giving rise to the violation, it shall order a public hearing to be
- 2542 conducted in accordance with the provisions of Subpart C of this Part.
- 2543
- 2544 b) The Board may consider and discuss the Examiner's recommendation through a
- 2545 conference telephone call begun in open session and continued in executive
- 2546 session in lieu of an in-person meeting, and such consideration and discussion
- 2547 shall be deemed part of the closed preliminary hearing process. Any action on the
- 2548 Examiner's report recommendations must be taken in open session, or if taken as
- 2549 part of the telephonic conference call, that portion of the conference call shall be
- 2550 broadcast over a speaker phone or other similar device at both the permanent and
- 2551 branch offices of the Board and that portion of the broadcast call be open to the
- 2552 media and public.

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(Source: Amended at 24 Ill. Reg. 14203, effective September 11, 2000)

Section 125.265 Judicial Review

Judicial review of a final order of the Board entered or effected pursuant to Section 125.262 shall be in accordance with Section 9-22 of the Act.

Section 125.270 Record of Preliminary Hearing on Appeal Administrative Review

Upon appeal from a final order of the Board dismissing a complaint following a closed preliminary hearing, minutes and documentary evidence received during the preliminary hearing, together with the recommendation of the Examiner, the recommendation of the General Counsel, if any, and the final order of the Board, shall constitute the record on administrative review pursuant to Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq. If a party has caused a verbatim transcript of the closed preliminary hearing to be made, he, at his election, may submit that transcript for inclusion in the record on administrative review. Legal counsel for the Board shall be instructed to seek leave of Court to file the record on administrative review "in camera" with the Court having jurisdiction over the review. Any public inspection or release thereof may be subject to order of that Court. Before the record is filed, the Examiner shall notify the parties that the record has been prepared, shall receive corrections from any parties, shall examine the record for accuracy, and then shall certify that it is a true and accurate record of the hearing.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.272 Order of Public Hearing

- a) In the event that the Board orders a public hearing, the Board shall as Section 9-21 of the Election Code requires appoint a Hearing Examiner to conduct a public hearing on the complaint and shall immediately serve upon all parties a written Notice of Appointment of the Hearing Examiner, stating the name, business address and telephone number of the Hearing Examiner, together with a copy of the Board's order after the closed preliminary hearing. If the complaint is filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the General Counsel also shall promptly give telephonic or telegraphic notice of the appointment to all parties, which notice shall be deemed supplementary to the written Notice of Appointment.
- b) The Hearing Examiner shall, in accordance with the time constraints stated in

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Section 9-21 of the Election Code, designate a time and place for the public hearing and shall serve a written Notice of Hearing upon all parties, stating the time and place of such hearing. If the complaint is filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the Hearing Examiner also shall promptly give telephonic notice of the hearing to all parties, which notice shall be deemed supplementary to the written Notice of Hearings.

- c) The Notice of Hearing shall contain a statement that the respondent(s) has the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections, including public hearing proceedings.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.275 Time and Conduct of Public Hearing (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section 125.310 Applicability

The rules in this Subpart apply to all public adjudicative hearings ordered by the Board.

Section 125.320 Initiation of Hearing

- a) Hearings conducted pursuant to Subpart C shall be initiated once the Board has determined that a complaint alleging a violation of the Act has been filed upon justifiable grounds and further determines that such is necessary under the provision of Section 125.262(a) of this Part.
- b) Hearings may also be initiated by the Board when, in the exercise of its discretion, it determines there are reasonable grounds to believe that a violation of any other election law may have occurred.
- c) The Board may determine that any adjudicative hearing shall be held before the Board. In the absence of such determination an adjudicative hearing shall be conducted by a Hearing Examiner.

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- d) Any hearing before the Board shall be conducted in the same manner as provided for the calling and conduct of hearings by a Hearing Examiner, except that after the conclusion of such hearing the Board shall issue its final order without the necessity of written comment by the General Counsel.

(Source: Amended at 24 Ill. Reg. 14203, effective September 11, 2000)

Section 125.330 Appointment of Hearing Examiner

In all public adjudicative hearings to be conducted by a Hearing Examiner, the General Counsel shall appoint the Hearing Examiner and shall serve notice of the appointment upon all parties in accordance with Section 125.40. The notice shall state the name, office address, and telephone number of the person appointed as Hearing Examiner. The General Counsel shall also provide to the parties such telephonic or telegraphic notice of the appointment of a Hearing Examiner as the circumstances of the proceeding may warrant.

Section 125.340 Notice of Hearing

In adjudicative hearings the Hearing Examiner shall, after receipt of notification of his appointment, designate a time and place for the public hearing, within any time limits as may be prescribed by law. The Hearing Examiner shall serve notice of the time and place of hearing upon all parties in accordance with Section 125.40.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.350 Discovery Procedures

- a) Discovery procedures may be ordered by the Hearing Examiner upon the written request of any party, or upon his own motion, where necessary to expedite the proceedings, to insure a clear and concise record, to insure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing, and where the allowance of such discovery procedures will not interfere with or impair the time requirements applicable to the proceeding. Discovery may consist of the following:

- 1) production of documents or things;
- 2) depositions;

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- 2670 3) written interrogatories; and
2671
2672 4) requests for admissions of fact.
2673

2674 The Hearing Examiner may restrict or deny such discovery where necessary to
2675 prevent undue delay or harassment.
2676

- 2677 b) The Hearing Examiner shall order the following discovery upon written request of
2678 any party:
2679

2680 1) list of witnesses who are known to the party, and who have knowledge of
2681 relevant facts;
2682

2683 2) a list of any expert witnesses who may be called at the hearing, which
2684 shall be submitted to all parties prior to the hearing.
2685

- 2686 c) Any person, including a party, who is deposed, interrogated or required to submit
2687 documents or things under this Part may be examined regarding any matter, not
2688 privileged, which is relevant to the subject matter of the pending case, or which
2689 may lead to the discovery of such relevant information.
2690

- 2691 d) Except as otherwise provided, all depositions and written interrogatories taken
2692 pursuant to this Section shall be for purposes of discovery only. Such depositions
2693 and interrogatories may be used for purposes of impeachment, as admissions, or
2694 as any affidavit could be used. Upon application to the Hearing Examiner either
2695 before or after the taking of such deposition or the filing of written interrogatories
2696 and upon a showing that at the time of the hearing the party deposed or
2697 interrogated will not be available due to death, age, sickness, infirmity, absence
2698 from the country or other exceptional circumstances, the Hearing Examiner may
2699 order that the deposition or interrogatories be used as evidence in the hearing.
2700

- 2701 e) Upon transcription of a deposition, it shall be made available to the deponent for
2702 examination, unless his signature is waived at the deposition. Any changes in
2703 form or substance which the deponent desires to make shall be entered upon the
2704 deposition by the officer taking the same with a statement of the reasons given by
2705 the deponent making them. The deposition shall then be signed by the deponent
2706 unless he is ill or cannot be found or refuses to sign, in which event the officer's
2707 certificate shall state the reason for the omission of the signature.
2708

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(Source: Amended at 24 Ill. Reg. 14203, effective September 11, 2000)

Section 125.360 Subpoenas

- a) Upon application to the Hearing Examiner by any party, or upon the request of the Hearing Examiner, the General Counsel may issue a subpoena in the name of the Board for attendance at a deposition or hearing, which may include a command to produce books, papers, documents or tangible things designated therein and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by Section 125.350. The Hearing Examiner, upon motion, and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena if it is unreasonable or oppressive.
- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed:
 - 1) to attend and give testimony at the time and place therein specified, and/or
 - 2) to produce books, papers, documents or tangible things designated therein at the time and place therein specified.
- c) A subpoena duces tecum may be limited to the production of documents and not require personal attendance of the person to whom it is directed.
- d) The party requesting the issuance of a subpoena shall tender therewith a check reimbursing the witness for the round trip cost of travel between the witness's place of residence and the place where his presence is requested. Reimbursement shall be equal to that provided by statute for civil costs in the Circuit Court of Illinois.

(Source: Amended at 24 Ill. Reg. 14203, effective September 11, 2000)

Section 125.370 Transcript of Proceedings

All proceedings at public hearings shall be recorded by a certified court reporter but need not be transcribed unless requested by a party who shall pay for the transcription of the portion requested, except as otherwise provided by the Board or by law. Any transcript will be retained through and including the time allotted for appeal, rehearing or other manner of review prior to

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final deposition as provided by the Board or by law. Before the transcript is filed the Hearing Examiner shall notify the parties that the transcript has been produced, shall receive corrections from any person, shall examine the transcript for accuracy and then within a reasonable time shall certify that it is a true and correct transcript of the hearing. Only after such certification may the transcript be made available for public inspection.

Section 125.380 Official Record

The transcript and the record offered in connection with the hearing shall constitute the official record. The record in a public hearing shall include:

- a) pre-hearing records, if any;
- b) all pleadings (including all complaints, answers, notices, motions, briefs and rulings);
- c) evidence received;
- d) a statement of matters officially noticed;
- e) offers of proof, objections and rulings;
- f) Findings of fact, Conclusions of Law and Recommendations of the Hearing Examiner.

Section 125.390 Briefs and Oral Argument

The parties may submit written briefs to the Hearing Examiner or Board, as the case may be, within five (5) days after the close of the hearing, or within such other time as is consistent with the responsibility for decision as required by law. Upon request at the time of submission of briefs or on its own motion, the Board or the Hearing Examiner may permit oral argument by the parties.

SUBPART D: FINAL ORDERS

Section 125.410 Hearing Examiners Report

Upon the conclusion of the hearing held pursuant to Section 125.310 et seq., the Hearing Examiner shall issue his written report which shall include Findings of Fact, Conclusions of Law

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and Recommendations. This report shall be prepared as soon as possible after the conclusion of the public hearing and shall be transmitted to the Board with a copy to the General Counsel.

- a) Findings of Fact shall be based exclusively on the evidence presented at the hearing, including any matters officially noticed. Conclusions of Law and Recommendations shall be based upon a consideration of the record as a whole.
- b) The General Counsel, after receipt of the Hearing Examiner's report, shall promptly submit his comments or opinion on the Hearing Examiner's report to the Board.

Section 125.420 Order of the Board; Civil Penalties

- a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Section 9-21 of the Election Code [10 ILCS 5/9-21], the Board shall review the reports submitted by the Hearing Examiner and the General Counsel, and any objections, briefs or memoranda filed by any party to the hearing, and shall issue its final order within the time specified in Section 9-21 of the Election Code [10 ILCS 5/9-21]. If the hearing was extended by stipulation or order of the Hearing Examiner pursuant to Section 125.160, then the Board decision shall be issued:
 - 1) within 36 hours of the Hearing Examiner's Report if the complaint was filed within 60 days prior to an election and related to such election, or
 - 2) within 60 days in all other instances.
 - A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion, if the Board determines supplemental testimony will provide heretofore undiscovered relevant testimony.
 - B) The Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or consent order through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of such conference call. The call shall be broadcast over speaker phone or other similar device at both the permanent and branch offices of

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the Board and such broadcast shall be open to the media and public. The entire conference shall also be recorded by a certified court reporter.

- b) Whenever the Board determines a person to be in violation of any provision of the Act or any regulation adopted thereunder, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct such violation or otherwise comply with the Act or regulation within such time as the Board may specify, but not within less than 15 business days.
- c) The Board shall also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it shall impose a civil penalty, not to exceed \$5,000, on any person who fails or refuses to comply with such final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.
- d) Standing Orders
 - 1) Any final order, written stipulation, agreed settlement or consent order issued shall include a provision, referred to as a "Standing Order" provision, requiring that all subsequent reports, statements or filings required by the Act, during the period the standing order provision is in effect, must be made within the time limits set forth in the Act, and that any failure or refusal to comply with such filing deadlines shall result in the imposition of civil penalties by the Board in an amount not to exceed \$5,000.
 - 2) Any such "Standing Order" shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order. This "Standing Order" provision shall not apply to final orders rendered for delinquent filings under Section 9-10 of the Election Code [10 ILCS 5/9-10].
- e) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Election Code, any rule adopted thereunder, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of false or incomplete

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information required by the Election Code and such willful failure to file or willful filing of false and incomplete information may possibly constitute a criminal violation of the Election Code pursuant to Section 9-26 of the Election Code [10 ILCS 5/9-26].

f) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.

g) All parties to the proceeding shall be notified promptly of any and all orders and exact copies of such order shall be personally delivered or mailed by certified or registered mail to each attorney of record.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 125.425 Civil Penalty Assessments

~~a) As used in this Section, "authorizing candidate" means any candidate who has, at any time during the reporting period for the report in question or prior to that reporting period, filed with the committee an authorization in accordance with Section 9-8 of the Election Code [10 ILCS 5/9-8].~~

ab) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Documents are deemed received by the Board as of the date date-stamped by Board staff on the documents submitted.

be) If a report is or continues to be delinquent, it is subject to a civil penalty as set out in subsection (d)~~(e)~~ of this Section.

c~~d) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent ~~State, State and local, and local~~ political committee, together with an Order assessing a civil penalty calculated in accord with subsection (d)~~(e)~~. The notice of delinquency and Order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection (e)~~(f)~~ why the penalty should not be assessed.~~

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de) The Board will calculate the civil penalty as follows:

- 1) If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a ~~semi-annual~~ quarterly report, the political committee shall be assessed a fine of \$25 per business day for the first violation, \$50 per business day for the second violation, and \$75 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000.~~ However, the civil penalty for any committee shall not exceed ~~\$500~~ \$1,000 for a first time offense involving a filing that is less than 10 days late.
- 2) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a ~~semi-annual~~ quarterly report, the political committee shall be assessed a fine of \$50 per business day for the first violation, \$100 per business day for the second violation, and \$200 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. provided that~~ However, the civil penalty for any committee shall not exceed ~~\$500~~ \$1,000 for a first time offense involving a filing that is less than 10 days late.
- 3) In either of the above 2 cases, no civil penalty shall be assessed against a committee if the report is mailed and postmarked at least 72 hours prior to the filing deadline.
- 3) ~~If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation, to a maximum of \$5000. If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the~~

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~~maximum shall be \$10,000. However, the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.~~

- 4) ~~If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation, to a maximum of \$5000. If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. However, the civil penalty shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.~~

- 45) ~~If the delinquently filed report is a Schedule A-1 (report of contributions of \$1000 or more exceeding \$500 received during the 30-day period prior to an election), in the final disposition of any appeal of a penalty assessed by the Board for the delinquency on or after November 19, 2003 (the effective date of Public Act 93-0615), the Board will consider assessing a civil penalty as follows:~~

- A) ~~In the case of a willful or wanton violation, the~~The Board ~~shall may:~~ i) grant the appeal (no civil penalty assessment); ii) ~~determine that a violation occurred and impose a penalty of no less than 10% and nonor more than 150%100% of the total amount of the contributions that were delinquently reported,; or~~ iii) ~~determine that a violation occurred, but decline to assess a penalty.~~

- B) When considering the amount of the civil penalty to be imposed, the Board shall consider ~~all relevant factors, including, but not limited to,~~ the following factors: i) ~~whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;~~

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2982 ~~ii~~) the number of days the contribution was reported late; and

2983
2984 ~~iii~~) past violations of Sections 9-3 and 9-10 of the Election
2985 Code by the committee ~~(filing requirement for the~~
2986 ~~Statement of Organization, pre-election reports, Schedule~~
2987 ~~A-1s and semi-annual reports).~~
2988

2989 C) In the case of negligent or inadvertent violations, the Board may:

2990 i) impose a fine not to exceed 50% of the total amount of the
2991 delinquently reported contributions, or

2992 ii) waive the fine.

2993
2994 D) When considering the amount of the civil penalty to be imposed,
2995 under subsection (d)(C)(i) and (ii) of this Section, the Board shall
2996 consider the following factors:

2997
2998 i) Whether the political committee made an attempt to
2999 disclose the contribution and any attempts to correct the
3000 violation;

3001
3002 ii) Whether the violation was attributed to a clerical or
3003 computer error;

3004
3005 iii) The amount of the contribution;

3006
3007 iv) Whether the violation arose from a discrepancy between
3008 the date the contribution was reported transferred by a
3009 political committee and the date the contribution was
3010 received by a political committee;

3011
3012 v) The number of days the contribution was reported late; and

3013
3014 vi) Past violations of Section 9-3 and 9-10 by the political
3015 committee.

3016
3017 56) If the delinquently filed report is a Statement of Organization (form D-1),
3018 the Board shall assess a civil penalty of \$5025 for each business day that

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the report remains unfiled after its due date, ~~except that, if the committee is supporting a candidate running for statewide office or supporting a statewide referendum or a State Constitutional Amendment, the civil penalty will be \$50 per business day. The penalties shall not exceed \$5,000 (\$10,000 for statewide candidates, referenda or State Constitutional Amendment).~~

ef) In addition to the civil penalties provided for in Section 9-10(b) and (b-5) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection. The Board will calculate civil penalties in accord with subsection (d)~~(e)~~. A committee that violates both Section 9-10 of the Election Code and an Order of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an Order of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board Order notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) or (b-5) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board Order under Section 9-23 may:

- 1) submit, within 30 calendar days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit, in the form provided by the Board, stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board Order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or
- 2) submit, within 30 calendar days after the mailing of the assessment notice, a request for hearing and appeal affidavit, in the form provided by the Board, stating the reasons for the late filing or violation of the Board Order, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath

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and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure [735 ILCS 5/1-109]; or

- 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.

~~f~~g) Post-Appeal Hearing Defense or Evidence

- 1) Any defense and any accompanying evidence upon which the appeal is based that is presented to the Board following an appeal hearing, either by personal appearance before or a written appeal submitted to a Hearing Examiner, shall be limited to the defense and evidence that was presented at the appeal hearing. The defense and evidence shall include, but not be limited to, interpretation of statute and rules, consideration of written or oral testimony tendered at the appeal hearing and consideration of documentary evidence tendered at the hearing.
- 2) Any defense and accompanying evidence that was not known, and could not reasonably be expected to have been known, by the respondent at the time of the appeal hearing may be presented to the Board. The Board may, upon motion or on its own motion, remand the defense and evidence back to the original Hearing Examiner, or may submit it to a new Hearing Examiner for consideration. If an issue exists as to the applicability of this exception, the Board shall rule upon the issue immediately after presentation of the disputed defense and evidence. The respondent in the case shall be given an opportunity to demonstrate to the Board that the disputed defense and evidence was not known at the time of the appeal hearing and the respondent should not have been expected to have been aware of the defense and evidence at the time of the appeal hearing.
- 3) Nothing in this Part shall be construed to prevent the respondent from being represented by counsel at the presentation before the Board when the counsel did not represent the respondent at the appeal hearing. Counsel shall be licensed to practice law in the State of Illinois as required by Section 125.60 of this Part.

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- 3097 ~~gh~~) If a political committee or organization required to report under the provisions of
3098 Article 9 of the Election Code that is subject to a civil penalty fails, within the
3099 time required, to make payment in full of the assessed civil penalty, then the
3100 Board shall proceed with efforts at collection pursuant to the Illinois State
3101 Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a
3102 civil penalty imposed for delinquent filing or the violation of a Board Order if
3103 neither a request for waiver of appearance and appeal affidavit nor a request for
3104 hearing and appeal affidavit is filed within the time required.
3105
- 3106 ~~hi~~) Notwithstanding any provision of this Section to the contrary, the Board shall stay
3107 the enforcement of any civil penalty in cases of first time violation of a filing
3108 deadline and shall stay the enforcement of a civil penalty for the violation of a
3109 Board Order when the committee or organization has voluntarily entered into a
3110 stipulation admitting the violation and agreeing to the civil penalty. The stay shall
3111 continue only so long as no subsequent violations of Article 9 of the Election
3112 Code or of Board Orders occur. Violation of Article 9 of the Election Code or a
3113 Board Order will cause the civil penalty otherwise stayed to become immediately
3114 due and may expose the committee or organization to further liability in accord
3115 with this Section.
3116
- 3117 ~~ij~~) For the purpose of this Section, second and subsequent violations are deemed to
3118 occur with reference to the time the first offense event occurs, not when a hearing,
3119 if any is required, concerning the first offense event is held. The Board may
3120 consider two or more allegations of violations at the same hearing, treating the
3121 first as an initial violation and the remaining as subsequent violations, imposing
3122 appropriate civil penalties for each.
3123
- 3124 ~~jk~~) Notwithstanding any other provision of this Section:
3125
- 3126 1) if an active political committee or organization is assessed no more than
3127 one civil penalty under Section 9-10 during a two year period, it shall,
3128 after two years have lapsed following the assessment, be considered as
3129 never having violated Section 9-10. For a single violation, the two year
3130 period begins to run with the mailing of the assessment letter. If an active
3131 political committee or organization is assessed more than one civil penalty
3132 and has paid all assessed civil penalties, it shall be considered for
3133 assessment purposes as not having violated that Section if it is assessed no
3134 other civil penalty during a two year period following receipt of payment
3135 by the Board;

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2) if a committee or organization is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during the two year period beginning with the date of the assessment letter, or the final Board Order if the assessment is appealed and the appeal is denied, any successor committee or organization shall be considered, for assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty;

3) if a committee or organization is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee or organization has not paid the civil penalties, any successor committee or organization that subsequently pays all civil penalties due shall be considered as never having violated Section 9-10 if, for two years from the date of receipt of payment by the Board, the successor committee or organization is assessed no other civil penalty.

k1) Upon notice by the Hearing Examiner or upon request by any party, the Hearing Examiner may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for purposes including, but not limited to:

- 1) the formulation and simplification of issues;
- 2) the necessity or desirability of amending the assessment notice for the purpose of clarification or correction;
- 3) the possibility of stipulations concerning material facts;
- 4) the limitations of the number of witnesses;
- 5) other matters as may aid in the simplification of evidence and the disposition of the proceeding.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 125.430 Enforcement Actions in the Circuit Court

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- a) Whenever the Board, pursuant to Sections 9-21 and 9-23 of the Act, has issued an order directing a person determined by the Board to be in violation of the Act or any rule or regulation adopted thereunder to cease or correct such violation or otherwise comply with the Act and the Board imposes a civil penalty for failure or refusal to comply with such order within the specified time, the Board shall enforce such civil penalty by filing with the Circuit Court a petition for an order to enforce collection of the penalty.
- b) The Board may also petition the Circuit Court to issue an order of the Court compelling compliance with an order issued by the Board, or to restrain or prohibit a person who is engaging or has engaged in acts or practices which constitute a violation of any provisions of the Act from engaging in such acts or practices.

Section 125.440 Reconsideration

Any member of the Board, or any party affected by a final order of the Board may file a written motion to reconsider. Such motion shall set forth in specific detail the grounds alleged for reconsideration and must be filed with the Board not later than 7 days after the effective date of the Board's order.

- a) Oral argument shall be permitted on such motion only at the Board's discretion.
- b) The Board may consider, discuss and take action upon such motion thru a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of such conference call, the call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board and such broadcast shall be open to the media and public. The entire conference call shall also be recorded by a certified court reporter.

Section 125.445 Public Database of Founded Complaints

The Public Database of founded complaints required under Section 9-23.5 applies only to complaints that have been determined by the Board to have been filed upon justifiable grounds. Such database shall not include complaints that upon completion of a closed preliminary hearing were determined by the Board not to have been filed upon justifiable grounds.

(Source: Added at 34 Ill. Reg. _____, effective _____)

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SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

Section 125.510 Applicability (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.520 Staff Review and Enforcement of Reporting Requirements

Prior to filing a written complaint pursuant to Sec. 9-20 of the Act, the State Board of Elections, through its staff, shall:

- a) Notify in writing each political committee that has failed to file a required report, or whose report is incorrect, incomplete, inaccurate or otherwise not in compliance with the law. Notification for failure to file ~~Quarterly~~~~a Pre-election Report shall be sent to all candidates on the ballot as well as all participating political committees required to file same report;~~ for a Semiannual Report, notice shall be sent to all established political committees required to file such report. Telephonic notice shall also be given whenever possible to an officer of the political committee.
- b) The written notice required by subsection (a) above shall be given by:
 - 1) Personal service, or
 - 2) By first-class mail. With respect to documents required that have been filed, the notice shall specify to the extent possible the deficiencies claimed in such reports.
- c) The notice shall also set a time, place and date for a pre-complaint conference to be held in accordance with Section 125.530 below. Such conference must be afforded to any political committee or its chairman or treasurer, or to any other person affected prior to a complaint being filed by or on behalf of the Board.
- d) For good cause shown, the division head of the Campaign Disclosure Section of the Board may extend the time for compliance for an additional thirty (30) days after the date of the pre-complaint conference. No further extensions of time shall be given without express Board approval, and in those cases where the reporting committee is subject to a "Standing Order" provision as provided in Section

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125.420, no extensions of time shall be given.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 125.530 Compliance Conference

Whenever a compliance conference is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the Act, the Election Code, or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order. Provided however, if the committee has previously failed to comply with the requirements of the Act, the Election Code or any rule of the Board, then any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Act, the Election Code, or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.540 Staff Initiated Complaint (Repealed)

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.550 Investigations, Inquiries or Hearings

The Board, or General Counsel with prior consent of the Chairman and Vice Chairman, may undertake such other investigations or inquiries as may be reasonable or necessary concerning any matter covered by the Act. Once an investigation or inquiry has been so undertaken, the General Counsel shall have the authority to hire factfinders or investigators or to carry out such other directions as the Board may give. Subpoenas may be issued upon vote by the Board in order to carry out such investigation, inquiry or hearing.

SUBPART F: RULE-MAKING AND NON-ADJUDICATIVE HEARINGS

Section 125.610 Applicability

The Sections in this Subpart shall apply to all rulemaking and other non-adjudicative hearings and procedures except for closed preliminary hearings under Subpart B of this Part. Hearings conducted pursuant to this Subpart shall be deemed in the nature of legislative hearings.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

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Section 125.620 Adoption of Rules

Whenever the Board proposes to adopt, amend or repeal a rule, the Board shall conduct a public hearing if it determines that this would be the most efficient way to facilitate public comment on the rulemaking or if *the agency receives a request for a public hearing within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected* [5 ILCS 100/5-40]. In all cases, the Board shall accept from interested persons all written comments pertaining to the rulemaking that are submitted during the 45 day First Notice period. If the Board finds that an emergency requires adoption of a rule, it shall proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule that shall be effective for a period of up to 150 days.

- a) Revision of Proposed Rules. After any rulemaking hearing and prior to submission of second notice to JCAR, the Board may revise the proposed rules in response to suggestions made at the hearing and written submissions received prior or subsequent to the hearing, without conducting a further hearing on the revisions.
- b) Notice of Final Rule. Any person heard on the original proposal, who has given his or her name and address to the Board, shall be given notice of the Board's final action.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.630 Rulemaking Hearings

The Board may either:

- a) hold such hearings itself; or
- b) designate a subcommittee of the Board, a member of the Board's staff, or a Hearing Examiner to hold such a hearing. Pursuant to 26 Ill. Adm. Code 125.60(b), whenever possible, any person designated as a Hearing Examiner shall be a licensed attorney in the State of Illinois.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

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Section 125.640 Notice of Hearing

- a) Notice of hearing shall be given at least 10 days prior to the date of the hearing:
 - 1) By posting the Notice on the State Board of Elections website;
 - 2) By posting the Notice at the principal and permanent branch offices of the State Board of Elections; and
 - 3) If the Board determines necessary, by public advertisement in a newspaper of general circulation in Chicago or Springfield, depending on where the hearing is to take place.
- b) The Board shall make available copies of any proposed rules and supporting statements, if any, at the time the hearing date on proposed rules is announced.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.650 Conduct of the Hearing

The hearing shall be conducted in such manner so as to insure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. The hearing may provide for:

- a) the prior submission of testimony and exhibits in writing;
- b) the examination of witnesses under oath;
- c) a limitation on the amount of time each witness may testify; and
- d) restriction or elimination of merely cumulative testimony.

Section 125.660 Examination of Witness

Examination of witnesses by any member of the Board, by counsel to the Board or by a Hearing Examiner shall be permitted. Examination by any other person shall be permitted in the discretion of the party conducting the hearing. Repetitious examination may be limited.

Section 125.670 Record

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All testimony shall be recorded either stenographically or by tape recording. The transcript, all written testimony, all exhibits offered in connection with the hearing, and all written submissions shall constitute the record.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.680 Report of Hearing

If a hearing is conducted by a member of the Board's staff, or by a Hearing Examiner, then a written report shall be submitted to the Board at its next regularly scheduled meeting. This report shall also be included in the submission of the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR). The report shall summarize the record and shall include such other comments, suggestions, conclusions or recommendations as the party preparing the report deems necessary.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

SUBPART G: ADVISORY OPINIONS

Section 125.710 Advisory Opinions

- a) An advisory opinion may be requested from the State Board of Elections by any of the following:
 - 1) a member of the Board;
 - 2) any county clerk or chairman or presiding officer of an election authority or any legal representative acting on their behalf;
 - 3) any local election official or any legal representative acting on their behalf;
 - 4) With respect to any issues concerning "An Act to Regulate Campaign Financing" (Ill. Rev. Stat. 1981, ch. 46, pars. 9-1 et seq.). Any candidate for public office or the chairman or treasurer of any campaign committee which is, or may be required to file any Campaign Disclosure reports.
- b) The request must be submitted in writing to the General Counsel and shall set

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3409 forth: (i) the specific facts, activity or transaction that the requesting party is, or
3410 intends to undertake, and (ii) the specific issues (including any applicable statutes
3411 or rules) on which the requesting party seeks an advisory opinion.
3412

3413 1) Requests presenting general questions of interpretation, hypothetical
3414 questions, or matter relating to activities of third parties shall not qualify
3415 as requests for an advisory opinion.
3416

3417 2) Advisory opinions shall be limited to those issues which are deemed to be
3418 of significant overall importance in the implementation and enforcement
3419 of the Election Laws. Issues of significant overall importance shall be
3420 determined on a case by case basis and shall include but not be limited to
3421 issues which raise questions concerning the interpretation and application
3422 of election related law that may have general application to elections
3423 throughout the State and the determinations of which may serve as future
3424 precedent for similar situations and circumstances. Issuance of any
3425 advisory opinion shall at all times be discretionary with the Board.
3426

3427 c) The General Counsel shall review all requests for advisory opinions and if the
3428 General Counsel determines that the request is incomplete or does not otherwise
3429 qualify under paragraph (b) above, he shall within 14 days of the receipt of such
3430 request, notify the requesting party and specify any deficiencies in such request.
3431 The requesting party may appeal any such determination by the General Counsel
3432 directly to the Board.
3433

3434 d) If the General Counsel determines that the request may qualify for an advisory
3435 opinion, or if the Board overrules the determination by the General Counsel
3436 pursuant to paragraph (c) above, then the request shall be referred to any
3437 appropriate divisions within the State Board of Elections for review and written
3438 comment. Such written comment shall be directed to the General Counsel, and
3439 the General Counsel shall in turn review and provide written comment on the
3440 request to the Board. The General Counsel shall also advise the legal
3441 representative of the party making the request for opinion that such a request has
3442 been made to the Board.
3443

3444 e)
3445 1) Within sixty (60) days after a request is received which qualifies for an
3446 advisory opinion, the Board shall issue to the requesting party either:
3447

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A) a written advisory opinion, or;

B) a statement that the Board declines to issue an advisory opinion.

2) An advisory opinion shall be issued only upon the affirmative vote of five (5) members of the Board.

f) An advisory opinion rendered by the Board may be relied upon by:

1) the requesting party;

2) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and;

3) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which advisory opinion is rendered.

g) Nothing contained herein shall preclude the distribution by the Board or any of its staff of information consistent with the Election Laws, any prior opinions of the Board, and any relevant federal or state case law.

h) A copy of each advisory opinion shall be sent to the requesting party and to all election authorities. (Ill. Rev. Stat. 1981, ch. 46, par. 1-3(8)). In addition, a copy of the advisory opinion shall be sent to any legal representatives of the requesting party and the election authority or local election official which made the request for opinion.

(Source: Amended at 7 Ill. Reg. 15803, effective November 9, 1983)

Section 125.720 Reconsideration of Advisory Opinion

a) The Board may reconsider an advisory opinion previously issued if the circumstances under which the opinion was issued have changed and either:

1) If the requesting party submits a written request for reconsideration within 30 calendar days after receipt of the opinion and if upon the motion of a member of the Board who voted with the majority that originally approved the opinion, the Board adopts the motion to reconsider by the affirmative

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vote of 5 members, or

- 2) If upon motion of a member of the Board who voted with the majority originally adopted the advisory opinion, the Board adopts the motion to reconsider by an affirmative vote of 5 members.

- b) Adoption of a motion to reconsider vacates the advisory opinion to which it relates. The advisory opinion shall cease to be effective:

- 1) With respect to the party requesting such opinion when written notice of the adoption of the motion to reconsider is given to such party;
- 2) With respect to all other persons who might claim that such opinion applies to them pursuant to Section 125.710(f)(2) above, upon adoption of the motion to reconsider by the Board.

- c) In the event an advisory opinion is reconsidered, action taken in good faith, and in reliance upon such opinion prior to its reconsideration, shall estop the Board from claiming any violation of the Election Laws, or of any Rules or Regulations of this Board, to which the advisory opinion applied.

(Source: Amended at 7 Ill. Reg. 15803, effective November 9, 1983)

Section 125.730 Public Availability of Advisory Opinions

- a) When issued, each advisory opinion shall be made public and shall be sent by mail, or personally delivered to the requesting party.
- b) A copy of all advisory opinions shall be kept on file and shall be made available for public inspection or purchase through the Office of the General Counsel in both the Chicago and Springfield offices by the Board. Opinions will be available for inspection during normal working hours and statutory fees will be charged for photocopying.

(Source: Amended at 7 Ill. Reg. 15803, effective November 9, 1983)

Section 125.740 Conflict Between this Part and the IAPA

In the event of any conflict between this Part and the Illinois Administrative Procedure Act (Ill.

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Rev. Stat. 1981, ch. 127 pars. 1001 et seq.), the provisions of the Illinois Administrative Procedure Act shall control.

(Source: Amended at 7 Ill. Reg. 15803, effective November 9, 1983)

SUBPART H: MISCELLANEOUS PROVISIONS

Section 125.810 Ex Parte Communications

- a) Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex parte basis, neither members of the Board, employees of the Board nor Hearing Examiners shall, after the commencement of any proceeding pursuant to the Act or these Rules, communicate, directly or indirectly with any party in connection with any pending issue except upon notice and opportunity for all parties to participate.
- b) With respect to any complaint filed pursuant to Subpart B of these Rules, the prohibition provided for in paragraph (a) of this Rule shall commence with the filing of the complaint.
- c) Nothing in this Rule shall prohibit Board staff or Board members from communicating with each other, or a Hearing Examiner or Board member from communicating with employees of the Board to obtain their aid and advice on technical matters which fall within the area of expertise of the employee consulted.
- d) The Board may institute such sanctions against any violator of these provisions as it may deem appropriate and authorized by law.

Section 125.820 Effective Date

This Part shall take effect upon their adoption and upon the filing thereof with the Secretary of State of Illinois.

Section 125.830 Interpretation

The use of the masculine shall include the feminine or neuter where appropriate; the use of the singular shall include the plural where necessary. Whenever the word "shall" is used it shall be considered mandatory. The use of "may" is deemed permissive.

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3566 **Section 125.840 Severability**

3567

3568 These Rules are severable and the invalidity or unenforceability of one or more shall not affect
3569 the validity of any other Rule which may be given independent effect or application.

3570

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TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 210

RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section

210.10 Licensing of Raffles Conducted by Political Committees

210.APPENDIX A Application Form

AUTHORITY: Implementing and authorized by the Raffles Act [230 ILCS 15].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 6907, effective May 1, 1990, for a maximum of 150 days; emergency expired September 28, 1990; adopted at 15 Ill. Reg. 4450, effective March 16, 1991; amended at 29 Ill. Reg. 18810, effective November 7, 2005; amended at 34 Ill. Reg. _____, effective _____.

Section 210.10 Licensing of Raffles Conducted by Political Committees

- a) No raffle or other game of chance defined in and authorized by Section 8.1 of the Raffles Act [230 ILCS 15/8.1] (the Act) shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (Board).
- b) "Political committee" as used in this Part shall mean a political committee as defined by Section 9-1.9 of the Election Code [10 ILCS ~~5/9-1.85/9-1.9~~].
- c) No political committee, group, association, or other entity shall receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section ~~9-1.89-1.9~~ of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.
- d) Application for a license to conduct a raffle shall be made on forms provided by the Board and shall supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A.
- e) Only the chairman or treasurer of a political committee whose name is listed on the committee's D-1 statement at the time the application is filed shall sign the application for a license to conduct a raffle.

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- f) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code; provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.
- g) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.
- h) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board shall hear such a complaint under the provisions of 26 Ill. Adm. Code 125.Subpart C. The complainant shall prove its case before the Board. Nothing in this Part prohibits the Board from filing a complaint, but unless it does so, the Board shall not act as an advocate for the complainant. Failure of a committee to abide by the Act and its license voids the license whether or not a complaint is filed.
- i) All receipts and/or expenditures for raffles conducted under this Section and the Act shall be reported on the report next required to be submitted by the committee after each separate raffle under Article 9 of the Election Code and on such other reports as may be required by that Article.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 210.APPENDIX A Application Form

FORM DR

LICENSE APPLICATION TO
CONDUCT A RAFFLE

1. Name and address of political committee.

2. Type of Committee (Check One) State_____ Local_____
If Local, activity in which county (ies)_____
State _____ Local _____
If State & Local, activity in which county (ies) _____

3. Name and address of officers.
 - A. Chairman
_____ Phone Number: _____
 - B. Treasurer
_____ Phone Number: _____
4. Name and address of individual(s) responsible for the conduct of the raffle.

5. Location(s) which raffle chances will be sold or issued.

6. First and last dates for sale of raffle chances.

7. (a) Location(s) at which winning chance(s) will be determined.

8. Date(s) of determination of winning chance(s).
Date: _____
Briefly describe the prizes:

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3646
3647 The undersigned hereby swear and affirm that _____
3648 is organized as a political committee in Illinois as required by Chapter 46, Article 9,
3649 Illinois Revised Statutes, An Act to Regulate Campaign Financing and is eligible to
3650 receive a raffle license as prescribed by law and further, that the above stated facts are
3651 true. We acknowledge the receipt of copies of P.A. 86-394 and of Illinois Adm. Code.
3652 Sec.210.10 and understand that failure to abide by the Act shall void any license granted
3653 to this committee.

_____	For Office Use Only
Chairman (Signature)	Identification No. _____
_____	Date of Creation: _____
Treasurer (Signature)	

Subscribed and Sworn to before Approval _____
me this _____ day of _____ (Date)
_____, 19____.

_____	_____
Notary Public	(Signature)

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